

Georgian Young Lawyers' Association



LOCAL SELF-GOVERNMENT ELECTIONS OF OCTOBER 21, 2017

SECOND INTERIM REPORT OF PRE-ELECTION ENVIRONMENT MONITORING MISSION

(August 1 – October 15, 2017)



Monitoring Mission of 2017 Local self-government elections was made possible through financial support of the National Endowment for Democracy (NED) and US Agency for International Development (USAID). Opinions provided in the report are those of GYLA's and its content may not reflect official position of donors.

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TABLE OF CONTENTS

I.	Introduction	4
II.	Scopes of monitoring mission and methodology	4
III.	Assessment of pre-elections environment	5
IV.	Recommendations	6
V.	Interagency Commission	7
VI.	Election administration	7
VII.	Funding of election subjects and State Audit Service	10
VIII.	Facts of misuse of administrative resources	12
IX.	Facts of menace, pressure and physical violence	17
X.	Cases of interfering with pre-election campaign	21

I. Introduction

One of the strategic directions of Georgian Young Lawyers' Organization (GYLA) is to promote effective, accountable and transparent governance. In this regard (1994) GYLA is actively involved in the process of elections of legislative, executive and local self-government organs from the day it was established and during the mentioned process GYLA studies pre-election, voting day and post-election periods, how free, fair, competitive and inclusive environment is in Georgia.

When monitoring election processes the purpose of the organization is to ensure compliance with election legislation and international democratic standards by representatives of election administration, election subjects and public servants. Work of GYLA during the period of elections is not limited to revealing violations, rather, by filing complaints with the election administration and in court, it focuses its efforts on promotion of progressive interpretation of election legislation, taking legal measures against offenders and prevention of future election violations.

GYLA considers that providing population and parties involved in the election process with objective, competent and timely information regarding ongoing elections will promote improvement of election environment fairness and deepen positive aspects that were reached during the past years.

Since the Association believes in supremacy of principles of free and fair elections, it remains strictly neutral towards political processes. Over the years, GYLA has proved its loyalty towards state principles and aspiration to establish fair election environment.

For this purpose, in 2010 GYLA signed Declaration of Global Principles and Code of Conduct developed by Global Network of Domestic Election Monitors (GNDEM) for non-governmental organizations.¹

Presented report includes period from August 1, 2017 to October 15, 2017 and focuses on violations and changes identified in the reporting period.

Monitoring mission of local self-government elections 2017 was made possible through financial support of the National Endowment for Democracy (NED) and US Agency for International Development (USAID).

The first interim report was published on August 25 (June 1 – August 1, 2017) and the presented report represents the second interim report on local self-government elections 2017.

II. Scopes of monitoring mission and methodology

GYLA provided monitoring of 2017 local self-government elections processes through 8 regional offices in Tbilisi and 9 regions of Georgia: Ajara, Guria, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-mtianeti, Samtskhe-javakheti and Samegrelo) with the involvement of up to twenty monitors.

GYLA long-term observers studied the activities of state agencies (Election administration, Audit service, Interagency Commission, Law enforcement organs and Court) involved in elections and observed how transparently, objectively and protecting political neutrality did they work and made decisions.

GYLA monitors obtained information regarding alleged violations through different sources, including, through requesting information from public institutions, also through monitoring information disseminated via mass media.² Citizens, members of political parties often provided information to GYLA regarding the violations observed by them. GYLA monitors verified the information with applicants directly or with the persons who could have significant information regarding the case. GYLA lawyers provided proper legal aid to the certain persons in case of need.

During the period September 2-4, 2017 GYLA observers monitored the process of completion of election commissions.³ In this regard the observers attended the District election commission (DEC) sessions in Telavi, Rustavi, Dusheti, Gardabani, Tsalenjikha, Abasha, Kutaisi, Samtredia, Batumi, Ozurgeti, Lanchkhuti, Chokhatauri, Isani and Krtsanisi DEC, in total 15 sessions.

The subject of monitoring was to find out how the DEC followed the rules and procedures of conducting competition; whether the persons who were imposed administrative penalty were elected/selected over again in the election administration for 2017 elections; furthermore election of those persons in PECs based on professionalism, who recently represented different parties in Election administration.

Besides attending the sessions GYLA requested the information from Election administration and studied the information on members of election commission elected based on professionalism.

¹ DECLARATION OF GLOBAL PRINCIPLES FOR NON-PARTISAN ELECTION OBSERVATION AND MONITORING BY CITIZEN ORGANIZATIONS and CODE OF CONDUCT FOR NON-PARTISAN CITIZEN ELECTION OBSERVERS AND MONITORS.

² Central and regional press, national and regional televisions, online publications.

³ From September 1 to September 5, 2017, the competition for selection of members based on professionalism was held in district election commissions.

III. Assessment of pre-elections environment

The processes of local self-government elections were conducted in fairly peaceful and competitive environment. The election subjects introduced the voters own programs and promises via direct meetings with voters and wide scale events.

Mainly the problems were revealed in Kvemo-kartli, Samtskhe-javakheti and Samegrelo regions, where the inner-party confrontations as well as severe competition was identified.

More than 10 cases of menace/pressure, 5 cases of physical abuse, 9 cases of misuse of administrative resources and 5 cases of participating in pre-elections agitation were revealed in reporting period.

Election administration

Completion of Precinct election commissions (PEC) was conducted in timely manner as envisaged by the legislation, however number of problems were still identified. As it was revealed the persons who were imposed disciplinary liability during 2016 elections were participating in the competition, however according to the monitors, the members of the DEC's still selected these persons as members of the PEC's. Furthermore, according to the monitors' information, **those individuals were also elected in PEC's based on professionalism, who recently represented different parties in Election administration.**

Based on discussion of applications or claims submitted by GYLA to the Election administration it was revealed that **the DEC's in most cases have not studied in detail the materials provided in the case, and made decisions** only based on explanatory statements of the alleged offender. In the end, their decisions were characterized with a low standard of justification.

The issue of increasing the involvement of women in politics still remains as problem for 2017 self-government elections.

Interagency Commission

The violations were still identified even after the recommendations of the Interagency Commission were issued that is problematic. Therefore, it is important that the mentioned agency goes beyond the platform of only listening to complaints and exchanging the information, as is today and becomes more active and effective platform.

Funding of election subjects

The legal entities mostly funded the ruling party with solid donations. Mostly non-financial donations were made for opposition parties or independent candidates.

Media environment

Media environment is pluralistic, however polarized. The certain election subjects mentioned restrictions of media space during the elections period.⁴

The cases of intense counter-agitation via social networks became an issue during these elections that were of a permanent nature and were conducted against different subjects via sponsored pages.

Misuse of administrative resources

GYLA monitors identified the cases of misuse of administrative resources in favor of the ruling party. Group attendance of persons employed in budgetary organizations (schools, kindergartens, employees of Non-entrepreneurial (Non-commercial) Legal Entities) on pre-election meetings of the ruling party was revealed, that created an impression that these kind of attendances were well organized and obligatory that in separate cases was also confirmed. The cases that **created the risk of politicizing the education process** were observed. Lessons were conducted using party symbolic, agitation took place by the persons employed in the education system of the Ministry of Education and Science, the heads of the educational resource centers, in favor of candidates of the ruling party.⁵ Also participation of employees of kindergartens in the pre-election processes (through attending pre-election meetings of candidates of the ruling party and mobilizing "supporters" in their favor). **Such facts represent misuse of administrative resources in favor of the ruling party and contradicts Article 5.4 of OSCE Copenhagen Document that requires clear separation between the State and political parties. According to the mentioned Article political parties shall not be merged with the State.**⁶

⁴ <http://droa.ge/?p=11526>

⁵ Kvareli and Zugdidi

⁶ <http://www.osce.org/odihr/elections/14304?download=true>

Interfering in pre-election campaign

Numerous facts of interfering in dissemination of agitation materials was observed during the reporting period, including tearing off the agitation posters, posting on others posters, damaging. The cases of interfering pre-election meetings were also observed. It is noteworthy that ruling party also mentioned the facts of interference (counter-actions and damaging elections materials).

Cases of physical abuse were also identified in the reporting period in addition to the facts of detaining the representatives of opposition parties.

Menace, pressure and physical violence

As reported during the reporting period, the candidates of different oppositional parties withdrew own candidacies due to pressure or gaining over. Additionally, in some cases the facts of pressure on voters were also observed, to support the ruling party.⁷

These types of cases unambiguously harm the interests of the Country and threatens peaceful and stable election environment, influences conducting the elections in healthy environment that eventually reflects on the democracy and governance quality in the country. It is significant to conduct immediate and thorough investigation that will be effective and will prevent further violations. It should be noted that currently conducted investigations cannot create sense of security and neither create the safe environment for the candidates. The concept of agitation envisaged by the Elections Code of Georgia was narrowly interpreted by the Central Election Commission (CEC) that created the threat of legalizing participation in agitation with violations of law.⁸

IV. Recommendations

The Government:

- Shall ensure the peaceful and fair elections;

The law enforcement bodies:

- The law enforcement bodies shall study the alleged facts of pressure on different political parties in the regions of Georgia and respond properly and in adequate manner on these and other types of violations in pre-election period. The mentioned bodies shall conduct thorough and objective investigation in order to reveal offenders and impose criminal charges;
- The law enforcement organs shall ensure investigation of the incidents related to the elections, in timely, thorough and objective manner;
- Additionally they shall avoid perception of bias towards the ongoing investigation against politically active persons;
- The law enforcement organs shall protect persons participating in election process from violence and any illegal pressure, additionally shall ensure the safety of election environment;
- As in pre-election period as well on the voting day and afterwards the Ministry of Internal Affairs shall ensure the safety of citizens and take all measures envisaged by law necessary to protect the order and safety of citizens.

Interagency Commission:

- Interagency Commission is one of the multi-component and numerous body among the agencies working on election issues, however in order to prevent election violations and respond on existing violations it is significant that the mentioned body transforms from a platform for hearing complaints and exchanging information into more active and effective agency.

Election administration:

- Strictly comply with the requirements of the election legislation, act in accordance to rules and scopes envisaged by law.
- Ensure peaceful and normal working environment for observers, not allow for interference in their activities and restriction of rights granted by law.
- Process submitted claims objectively, thoroughly and following law requirements and make reasonable decisions.

⁷ <https://gyla.ge/ge/post/arasamtavrobo-organizaciebi-tetrityaros-saarchevno-olqshi-ganvitarebul-movlenebs-ekhmaurebian#sthash.oevHMorX.dpbs>

⁸ <https://gyla.ge/ge/post/ceskos-gadatsyvetileba-shevchenkos-mier-ukanono-agitaciis-faqtan-dakavshirebit-saagitacio-ghonisdziebashi-ukanonomonatsileobis-dakanonebis-riskebs-qmnis#sthash.zzEs4lcl.dpbs>

Election subjects and persons involved in political activities:

- Strictly comply with the requirements of election legislation, facilitate conduct of elections in peaceful and normal environment within their capabilities.

V. Interagency Commission

During the reporting period, from August 1, 2017 until the report was published, the Interagency Commission held 5 sessions and issued 3 recommendations.⁹

The Commission issued interim report during the reporting period,¹⁰ according to which the investigation was launched on 11 criminal cases based on applications submitted to the Commission. On one case the investigation was terminated due to absence of the signs of crime.

GYLA applied in total with 11 applications to the Interagency Commission during the reporting period, based on which the Commission urged respective bodies to respond properly.

One application out of mentioned 11, was regarding the case of illegal interference in Commission activities, 5 applications – on cases of menace, pressure and physical violence; 3 applications – interference with pre-election campaign; also the cases of misuse of administrative resources and violation of pre-election agitation rules.

The commission urged the Heads of Educational resource centers, employees of public schools and kindergartens to avoid politicizing education process.¹¹ Additionally the Commission urged political parties/blocks to issue clear indication and do not allow verbal and/or physical aggression, pressure or other unethical action from their candidates and ordinary members towards each other or state institutions or their representatives in order to avoid verbal confrontation on political grounds.¹²

The Commission urged public servants of central and local government and local self-governments to avoid using personal pages in social networks for political statements and agitation/counter-agitation during the working hours and merge their professional activities from political processes of elections.¹³

The violations were still identified even after the recommendations of the Interagency Commission were issued that is problematic. Therefore, it is important that the mentioned agency should go beyond the platform of only listening to complaints and exchanging the information, as is today and become more active and effective platform.

VI. Election administration

- **Activities of the Election administration and preparation for elections**

The Election administration carried out number of activities to reach its goals and fulfil the obligations under legislation. Namely, Central Election Commission worked intensively and held meetings with different involved parties, including the representatives of DECS,¹⁴ media, political parties,¹⁵ local non-government and international organizations.¹⁶

During the period of August-October 2017 the Election administration officials held meetings with judges of Administrative Cases Panel of District and City Courts and Court of Appeals. The trainings were held with CEC initiative for women partici-

⁹ <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%202017%2F%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%2002.10.2017.doc.pdf>
<http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%94%E1%83%91%E1%83%98%2F%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98>

¹⁰ <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2F%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2001.10.17.pdf>

¹¹ <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%202017%2F%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%90%20%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98.pdf>

¹² <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%94%E1%83%91%E1%83%98%2F%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%90%2025.09.2017.pdf>

¹³ <http://justice.gov.ge/Multimedia%2FFiles%2F%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%202017%2F%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%2002.10.2017.doc.pdf>

¹⁴ <http://cesko.ge/geo/list/show/111015-samushao-shekhvedra-saolqo-saarchevno-komisiebis-khelmdzghvanel-pirebtan>

¹⁵ <http://cesko.ge/geo/list/show/111026-shekhvedra-politikuri-partiebis-tsarmomadgenlebtan>

¹⁶ <http://cesko.ge/geo/list/show/111296-shekhvedra-NDI-is-grdzelvadian-sadamkvirveblo-misiastan>

<http://cesko.ge/geo/list/show/111510-shekhvedra-eutos-demokratiuli-institutebis-da-adamianis-uflebata-ofisis-sadamkvirveblo-misiastan>

<http://cesko.ge/geo/list/show/111754-shekhvedra-amerikis-sakhelmtsifo-departamentis-da-ashsh-s-saelchos-tsarmomadgenlebtan>

pating in local self-government elections, also for media representatives and for the representatives living in Marneuli and Akhaltsikhe municipalities.¹⁷

For elections of October 21, 2017 the CEC developed and implemented the service for voters with different needs, such as providing information in sign language to the voters with hearing impairment via video-calls. Additionally, first time this year the process of implementation of election registration in electronic format in the Election administration was launched. Political parties used the mentioned system this year.

The CEC defined numbers of election subjects in reporting period.¹⁸ It is noteworthy that according to the Election Code of Georgia, the numbers of election subjects are defined not later than 30th day before the voting day. However the fact that in order to support the equal election environment for subjects and considering the recommendations of “Multinational Georgia”¹⁹ the CEC carried out procedure of casting of lots and defined sequence numbers in the shortest period of time envisaged by law, as soon as the terms for authorized parties/election blocks for requesting sequence numbers expired.

On August 29, 2017 the Memorandum of Cooperation was signed between GYLA, seven NGOs, CEC and Interagency Commission for Free and Fair Elections.²⁰

The CEC signed Memorandum of Cooperation with the Ministry of Internal Affairs of Georgia as well, aimed at conducting the October 2017 local self-government representative and executive bodies elections in safe and peaceful environment.²¹

On September 27, 2017 the CEC and 31 local observer organizations signed the Code of Joint Conduct.²² Code of Ethics was signed on October 14 by the members of Central, District and Precinct election commissions.²³

The concept of agitation envisaged by the Elections Code of Georgia was narrowly interpreted by the Central Election Commission (CEC) during the reporting period that created the threat of legalizing participation in agitation with violations of law.²⁴ Based on discussion of claims it was revealed that the DEC in most cases have not studied in detail the materials provided in the case, and made decisions only based on explanatory statements of the alleged offender. In the end, their decisions were characterized with a low standard of justification.

- **The cases of interfering with activities of election administration, menace towards the employee of the election administration**

The case of menace towards the Chair of Akhalkalaki election commission was reported in the reporting period. According to CEC, the Chair was threatened with death, as well as with illegal imprisonment of family member and damaging the property. Besides the abovementioned, the same day Samvel Petrosiani stopped the car in the street and asked Paata Panjikidze, the deputy chair of Akhalkalaki DEC who was walking on the other side of the street, the questions regarding his activities.²⁵ The investigation is launched on the mentioned fact.

Two facts of interfering in activities of election administration were identified during the monitoring in Samtredia²⁶ and Telavi²⁷. The protocol of administrative offence was drawn up by Samtredia PEC for the first case that was sent to the Court for further reaction. The court decided that the action was correctly assessed by Samtredia PEC as interference within the functions that violated the working process of the Commission. The court used Article 91¹ of the Election Code of Georgia and imposed the offender with penalty of 500 GEL. In the second case, regarding Nikoloz Vardoshvili, Telavi mayoral candidate from the Labor Party who arrived in the office of the Telavi DEC together with several members of his political party and journalists and requested explanation from the Chair of the Commission, the Election administration charged Nikoloz Vardoshvili in accordance with the Article 91¹ of the Election Code of Georgia according to which “interference with the functions and activity of an election commission shall carry a fine for a respective person in the amount of GEL 500”. However we consider that as the person compiling the protocol could not specify which function of PEC did Nikoloz Vardoshvili interfere with or which decision was influenced with the activities of the person recognized as the offender, usage of Article

¹⁷ <http://cesko.ge/geo/list/show/111991-sainformatsio-shekhvedrebi-etnikuri-umtsiresobebis-tsarmomadgenel-qal-amomrchevlebtan>

¹⁸ <http://cesko.ge/geo/list/show/111488-tsentralurma-saarchevno-komisiam-saarchevno-subieqtetbis-rigiti-nomrebi-gansazghvra>

¹⁹ <http://cesko.ge/geo/list/show/111237-tamar-jvania-mravalerovani-saqartvelos-tsarmomadgenlebs-shekhvda>

²⁰ <https://gyla.ge/ge/post/urtiertanamshromlobis-memorandumi#sthash.qb4r5KB8.dpbs>

²¹ <http://cesko.ge/geo/list/show/111631-tseskosa-da-shss-s-shoris-urtiertanamshromlobis-memorandumi-gaformda>

²² <https://docs.google.com/viewerng/viewer?url=https://gyla.ge/files/gallery/logoebi/untitled+folder/Newsletter+4+GE.pdf> page 5

²³ <http://cesko.ge/geo/list/show/112352-etikis-kodeqsi>

²⁴ <https://gyla.ge/ge/post/ceskos-gadatsyvetileba-shevchenkos-mier-ukanono-agitaciis-faqtan-dakavshirebit-saagitacio-ghonisdziebashi-ukanono-monatsileobis-dakanonebis-riskebs-qmnis#sthash.zzEs4lcl.dpbs>

²⁵ <https://docs.google.com/viewerng/viewer?url=https://gyla.ge/files/news/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/%E1%83%A1%E1%83%90%E1%83%98%E1%83%9C%E1%83%A4%E1%83%9D%E1%83%A0%E1%83%9B%E1%83%90%E1%83%AA%E1%83%98%E1%83%9D+%E1%83%91%E1%83%98%E1%83%A3%E1%83%9A%E1%83%94%E1%83%A2%E1%83%94%E1%83%9C%E1%83%98+2.pdf>

²⁶ <https://gyla.ge/files/gallery/logoebi/untitled%20folder/3%20NEWSLETTER%20GE.pdf>

²⁷ <https://gyla.ge/files/gallery/logoebi/untitled%20folder/3%20NEWSLETTER%20GE.pdf>

91¹ of the Election Code is unjustified and Telavi District court did not have enough grounds to share the Commission position. It is noteworthy that the Court shared the position of the Commission and neither have it discussed, based on specific circumstances how this act represented interference with the Commission activities.

The facts of raids on election administration buildings were revealed in Gardabani²⁸ and in Ozurgeti,²⁹ where the windows were broken and the public versions of lists of voters were torn off.

- **The applications/claims submitted to the election administration**

GYLA applied to DEC, CEC, and Interagency Commission for Free and Fair Elections and State Audit Service regarding the legislation violations revealed during the reporting period and proper respond.

9 applications were submitted by GYLA during the reporting period, 5 out of which was regarding cases of violation of rules of agitation. 2 cases of misuse of administrative resource, 1 case – interference in agitation measures.

Based on discussion of claims and applications it was revealed that the DEC in most cases have not studied in detail the materials provided in the case, and made decisions only based on explanatory statements of the alleged offender. In the end, their decisions were characterized with a low standard of justification.

Examples:

In one of the cases appealed by GYLA, regarding the fact of arrival of the head of one of the divisions of Chokhatauri Municipality Gamgeoba on presentation of mayoral candidates with service car of Gamgeoba, applicant was not involved in the proceedings of the case by Chokhatauri DEC, neither have the commission provided the applicant any information regarding the case proceedings and the Chair of Chokhatauri N62 District Election Commission have not expressed any interest regarding considering the opinion of the applicant, that shall be assessed negatively.³⁰

The position of CEC was significant regarding the GYLA complaint regarding the participation of a foreign citizen in election agitation in favor of Tbilisi mayoral candidate Kakha Kaladze.³¹ Based on the consideration of the complaint the CEC clarified that it would have been probable to impose administrative liability to a foreign citizen (if the offence was confirmed) if that person was in the territory of Georgia. However, according to GYLA, as prohibition of the foreign citizen in agitation is conditioned by particular state interest, in order to prevent this kind of offences and effectively use appropriate legal measures against offenders, we consider it reasonable to create legal mechanisms that will not leave such cases unresponded and will impose proper responsibility on offender foreign citizen.

In the end the election administration dismissed 4 application/complaints submitted by GYLA and refused to draw up protocol on administrative violation, in 1 case the complaint was partially satisfied by the CEC and protocol on administrative violation was drawn up on one case. The application regarding violation of agitation rules by Khashuri N49 PEC is currently being considered.³²

- **Monitoring of completion of Precinct election commissions**

GYLA monitored precinct election commission completion process on 2017 self-government elections during reporting period.³³ Precinct commissions, according to the legislation, are completed based as on the party-membership as well as on professionalism (7 members based on party-membership and 6 – based on professionalism).

It is noteworthy that before the announcement on competition was made the media reported on improper interferences with the process of completing the precinct election commissions and on intentions of completing the commissions with persons associated with ruling party.³⁴

Monitoring revealed the tendencies that can negatively influence the unbiased and objective activities of the election administration.

- **As observed, the completion of precinct election commission was conducted in timely manner, in terms envisaged by the law, however, according to GYLA monitors, the number of problems were identified.**
- **As observed, the individuals that were imposed discipline liability during 2016 elections were participating in**

²⁸ <http://cesko.ge/geo/list/show/111808-informatsia-gardabnis-saubno-saarchevno-komisiashi-momkhdar-intsidenttan-dakavshirebit>

²⁹ <http://cesko.ge/geo/list/show/111818-informatsia-ozurgetis-saubno-saarchevno-komisiashi-momkhdar-intsidenttan-dakavshirebit>

³⁰ <https://sachivrebi.cec.gov.ge/info.php?id=5792>

³¹ <https://sachivrebi.cec.gov.ge/info.php?id=5791>

³² <https://sachivrebi.cec.gov.ge/info.php?id=5802>

³³ Telavi, Rustavi, Gardabani, Tsalenjikha, Abasha, Kutaisi, Isani, Krtsanisi,

³⁴ <http://rustavi2.ge/ka/news/83523>

the competition and according to the monitors, the members of the DECs still selected these persons as members of the PECs.

- **Furthermore, according to the monitors' information, those persons were also elected in PECs based on professionalism, who recently represented different parties in Election administration.**

According to monitors the district election commission members were given the list of citizens that applied to DECs for the membership of precinct election commissions. It is noteworthy that the commission members almost in all cases had the working draft of mentioned list, where they had indicated those candidates whom they were to support on roll-call voting. And during the session they indicated the information from the mentioned list to the list of contestants given to them.

The cases of refusal of the members assigned by opposition parties in the DECs to participate in polling were also observed.³⁵ In some cases the members assigned by opposition parties to the DECs participated in polling but voted against all candidates.³⁶

In some cases the members assigned by the opposition parties to district election commissions stated different opinions and declared non-confidence to the process. The district election commissions refused to hold interview with contestants on the grounds that based on the quantity of candidates participating in the competition it would be impossible to conduct interviews within the established timeframes.

In 2017, those individuals were elected in precinct election commission that in previous years were imposed liability for unfulfilment of obligations/improper performance of duties as commission members.³⁷

Based on analysis of the public information requested by GYLA, the district election commission elected those persons based on professionalism as members of precinct election commissions for 2017 local self-government elections that on 2016, 2014, 2013 elections were nominated by different parties as the members in election administration.³⁸ Despite the fact that Georgian election legislation does not restrict the district election commissions to appoint members in PECs that on other elections were elected based on party-membership, we consider that this kind of tendency is risky in regards to the loyalty of the society towards the election administration and also casts doubts on impartiality and independence of members of the commission.

Accordingly, it is significant that independent, competent members were elected with professional quota and not the individuals associated with or loyal to any political party. The mentioned monitoring showed us that this principle was not followed. The monitoring results show us one more time how significant it is to review the rules of completing the election administration, especially before the next parliamentary elections.

VII. Funding of election subjects and State Audit Service

• Funding of election subjects

State Audit Service published information regarding funding of political parties during the reporting period.³⁹ According to the mentioned information total donation received by election subject from July 1 to October 15, 2017 totaled to 12,998,651.16 GEL. Namely Georgian Dream received in total 11,640,441.00 GEL, European Georgia - 931,083.95 GEL, National Movement - 108,149.21 GEL, Alliance of Patriots of Georgia - 63,142.00 GEL, New Georgia - 35,100.00 GEL, Democratic Movement - 31,486.00 GEL, Domenti Sichinava - 50,150.00 GEL, Aleksandre Elisashvili - 31,431.00 GEL, Gulo Zumbadze - 15,500.00 GEL, other elections subjects in total - 92,168.00 GEL.

It is noteworthy that as reported, some donors of political parties recently participated in tenders announced by the State and local self-governments and have won.⁴⁰

³⁵ E.g. The members assigned by United National Movement, Christian-conservative Party of Georgia, as well as United Democratic Movement and Alliance of Patriots of Georgia did not participate in the polling in Kutaisi DEC. Furthermore, the members assigned by UNM and Christian-conservative Party did not participate in polling process in Krtsanisi DEC.

³⁶ The members assigned by European Georgia in Kutaisi DEC, members of European Georgia, UNM, Christian-conservative Party of Georgia and United Democratic Movement in Samtredia DEC.

³⁷ Akhalkalaki -10, Akhaltsikhe -9, Kaspi-7, Gori -7, Kareli-25, Khashuri- 2, Adigeni 2, ASpindza 1, Chiatura -2, Tskaltubo -19, Vani -6, Zestaponi -14, Tkibuli 7, Bagdadi 9, Khoni 5, Kharagauli 10, Kutaisi -82, Marneuli - 13, Gardabani - 6, Bolnisi 3, Tetrtskaro -2

³⁸ E.g. 272 members out of 612 elected by the Batumi DEC were the individuals who were nominated in the commission by different parties on other elections. 177 members out of 390 elected by Kobuleti DEC were the individuals who were nominated in the commission by different parties on other elections.

³⁹ <https://www.sao.ge/files/News%20Files/2017-clis-archevnebis-shualeduri-angarishi.pdf>

⁴⁰ <http://www.tabula.ge/ge/story/125042-ti-2014-2017-tslabshi-ocnebis-shemomtsirvelebis-10-ma-kompaniam-meriis-61-tendershi>
E.g. law firm LLC Shara, that in August donated certain amount of money to Georgian dream – democratic Georgia, won three tenders in July-August, 2017. Tender announced by Kareli Municipality the cost of which totaled 724 500 GEL was one of the cases. (Find the agreement here: <https://tenders.procurement.gov.ge/public/library/contract.php?go=226947>)
LLC Shara have also won the tenders announced by National Defense Academy (NDA) (Find the agreement here: <https://tenders.procurement.gov.ge/public/library/contract.php?go=227433>) and Gori Municipality
Find the agreement here <https://tenders.procurement.gov.ge/public/library/contract.php?go=227117>) in August

Based on the information of State Audit Service of Georgia, from the announcing the voting day to October 2, the expenses of election subjects totaled 8,835,900.00 GEL, 6,983,756 GEL out of which are of ruling party. As regards the advertising expenses 5,805,562.00 GEL is spent in the same period for advertising, the biggest part of which, 4,939,306 GEL is spent by the ruling party.⁴¹

- **State Audit Service**

One of the problematic issues during the reporting period was the fact of dismissal of two deputies by the new General Auditor, Irakli Mekvabishvili and keeping only the deputy⁴² who used to serve as the Minister of Regional Development and Infrastructure, and as the General Director of Bidzina Ivanishvili's own bank Cartu.

It is noteworthy that the new General Auditor is absolutely authorized to appoint the deputies desired by him/her, but the fact that politically neutral deputies were dismissed and post was kept by the ruling party-affiliated deputy, creates doubts **on political motivation if the decision. Regarding the mentioned GYLA** urged the General Auditor to be unbiased in his activities and not make decisions that will create doubts on his political motivation and partiality that at the end damages reputation of Audit Service as the independent institution and the loyalty of the society towards it.⁴³

The creation of consultation commission during the reporting period with the initiative of State Audit Service for the 2017 local self-government elections should be assessed positively⁴⁴ that is aimed to promote transparency of the State Audit Office in regards to monitoring of funding of political parties. It is noteworthy that GYLA participated in the work of commission together with 15 other non-governmental organizations.⁴⁵

Period GYLA submitted in total 3 applications to the State Audit Service in the current period regarding alleged violations and urged for proper respond. One of the applications was regarding the Charity match "World Stars for Georgia" held on Dinamo Arena where Tbilisi mayoral candidate Kakha Kaladze also participated. Should be noted that the event was organized by the Georgian Football Federation⁴⁶ that is Non-entrepreneurial (Non-commercial) Legal Entity and according to the sub-paragraph c of paragraph 1 of Article 26 of the organic law of Georgia on Political Associations of Citizens is prohibited to provide donation. According to **GYLA assessment** the expenses taken by the Football Federation to organize the mentioned event was the donation towards the election subject and Football Federation, as Non-entrepreneurial (Non-commercial) Legal Entity did not have right to provide it.⁴⁷

GYLA applied to the State Audit Service regarding the fact of participation of foreign citizen in the pre-election agitation in favor of Tbilisi mayoral candidate Kakha Kaladze during the same charity match⁴⁸ and also regarding organized attendance of employees of Tbilisi kindergartens on pre-election meeting of Tbilisi mayoral candidate of the ruling party. The applications of all three cases are currently under study.

As regards the complaints and applications of the other subjects, according to the State Audit Service, based on the complaints and information received through media monitoring, the State Audit Service launched administrative proceedings on 15 cases, requested additional information and summoned the respective persons. Based on the same information the Service draw up 4 protocols regarding law violations against the political parties and 61 protocols against independent candidates that are sent to court eventually.⁴⁹ In order to study donations the Service has sent requests regarding revenues of 544 natural persons and as regard the legal entities, they are studied in order to study their final beneficiaries, participation in procurement and received revenues. According to the report, due to additional questions that have arisen during the analysis of donations of natural persons, 31 persons are summoned on questioning, 13 out of which are donors of European Georgia, 18 – of Georgian dream. Currently 10 donor natural persons of European Georgia and 4 donor natural persons of Georgian Dream are already questioned.⁵⁰

⁴¹ <https://www.sao.ge/files/News%20Files/2017-clis-archevnebis-shualeduri-angarishi.pdf>

⁴² <http://sao.ge/news/928>

⁴³ <https://gyla.ge/ge/post/generaluri-auditoris-gadatsyvetileba-politikuri-motivaciis-etchvebs-achens#sthash.no4E2T4.v076RdW1.dpbs>

⁴⁴ <http://sao.ge/news/911>

⁴⁵ <https://docs.google.com/viewerng/viewer?url=https://gyla.ge/files/news/%E1%83%9C%E1%83%98%E1%83%A3%E1%83%A1%E1%83%9A%E1%83%94%E1%83%97%E1%83%94%E1%83%A0%E1%83%98/%E1%83%A1%E1%83%90%E1%83%98%E1%83%9C%E1%83%A4%E1%83%9D%E1%83%A0%E1%83%9B%E1%83%90%E1%83%AA%E1%83%98%E1%83%9D+%E1%83%91%E1%83%98%E1%83%A3%E1%83%9A%E1%83%94%E1%83%A2%E1%83%94%E1%83%9C%E1%83%98+2.pdf>

⁴⁶ <https://setanta.ge/articles/1598/varsklavttsvena-dinamo-arenaze>

⁴⁷ <https://gyla.ge/ge/post/saias-ganckhadeba-msoflios-varsklavebi-saqartvelostvis-matchshi-kakhi-kaladzis-monatsileobis-sheakheb#sthash.CcCUMJYB.dpbs>

⁴⁸ <https://sachivrebi.cec.gov.ge/info.php?id=5791>

⁴⁹ <https://www.sao.ge/files/News%20Files/2017-clis-archevnebis-shualeduri-angarishi.pdf>

⁵⁰ <https://www.sao.ge/files/News%20Files/2017-clis-archevnebis-shualeduri-angarishi.pdf>

VIII. Facts of misuse of administrative resources

9 cases of misusing administrative resources, 5 cases of illegal participation in pre-election agitation were identified by GYLA monitors during the reporting period. GYLA lawyers have applied to the election administration and election commissions with proper applications. Based on the GYLA complaints, the protocol of administrative offence was drawn up (1 case) and the case is submitted to the court.

Borjomi

As media reported, on September 27, commemorating day of fall of Sokhumi, event of asphalt drawing was held with participation of Borjomi N1 public school.⁵¹ The event was designed with party flags of Georgian dream – democratic Georgia. The mentioned flags were given to the school children. Protocol of administrative offence was drawn up against the teacher and the case is filed to court.

Shuakhevi

As media reported, on September 18, 2017, in one of the classrooms of the public school of village Skhepa, Shuakhevi municipality, the photo was taken with school children with flags of Georgian dream – democratic Georgia and afterwards posted on the social network.⁵²

According to the Ministry of the Education and Science of Georgia, the Disciplinary Committee of the school studied the mentioned issue and teacher Marina Darchidze was imposed disciplinary liability – reprimand.⁵³ Public school of village Skhepi, Shuakhevi municipality was given written warning. The Chair of Shuakhevi DEC studied the mentioned fact. Protocol of administrative offence was drawn up against the teacher that was sent to the respective court.⁵⁴ The teacher of the school was imposed penalty of 1000 GEL for violating Article 81 of the Election Code of Georgia.

Marneuli

On October 4, in Culture house of village Sadakhlo, Marneuli municipality, approximately at 11:00 mayoral candidate of Georgian dream Teimuraz Abazovi met the voters together with other representatives of the party.⁵⁵

Director of public school N2 made a speech on the meeting and urged the population to involve actively in the elections and vote for the party Georgian Dream.

The majority of the attendees were the teachers and students of senior classes of public school N2.

Zugdidi

As media reported, several dozen people, including public servants were brought with buses and mini-vans from Poti to Zugdidi on pre-election meeting of Georgian dream.⁵⁶

Public servants from different regions of Samegrelo region, mainly teachers of schools and kindergartens attended the nomination of candidates.⁵⁷ The students were wearing blue t-shirts of Georgian dream with number 41 on them. According to them they were offered to go to the concert.⁵⁸

The Ministry of Education and Science studied the issue and ruled out the fact of obligation from the school directors and teachers to participate in the mentioned event. According to the Ministry the event included a concert and it is possible

⁵¹ <http://borjomi.tv/axali-ambebi/article/5446-skolisaqciaqarthuliocnebisdroshebisfonze>

⁵² <http://reginfo.ge/people/item/2696-shuaxeveshi-pirvelklaselebs-gakvetilze-%E2%80%9Eqartuli-oznebis%E2%80%9C-droshebi-bqondat>

⁵³ <http://www.justice.gov.ge/Multimedia%2FFiles%2FE1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2001.10.17.pdf>

⁵⁴ <https://sachivrebi.cec.gov.ge/info.php?id=5725>

⁵⁵ <http://marneulifm.ge/ka/2017/10/05/administraciuli-resursis-gamoyeneba/>

⁵⁶ <http://www.radioatinati.ge/archevnebi-2016/article/62085-ocnebis-kandidatebis-tsardgenaze-samegrelos-yvela-municipalitetidan-chamovidnen-video.html>

⁵⁷ <https://odishi.ge/%E1%83%9E%E1%83%9D%E1%83%9A%E1%83%98%E1%83%A2%E1%83%98%E1%83%99%E1%83%90/2818-16%E1%83%92%E1%83%98%E1%83%9D%E1%83%A0%E1%83%92%E1%83%98-%E1%83%99%E1%83%95%E1%83%98%E1%83%A0%E1%83%98%E1%83%99%E1%83%90%E1%83%A8%E1%83%95%E1%83%98%E1%83%9A%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%94%E1%83%92%E1%83%A0%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1%E1%83%90-%E1%83%93%E1%83%90-%E1%83%96%E1%83%94%E1%83%9B%E1%83%9D-%E1%83%A1%E1%83%95%E1%83%90%E1%83%9C%E1%83%94%E1%83%97%E1%83%98%E1%83%A1-%E1%83%9B%E1%83%94%E1%83%A0%E1%83%9D%E1%83%91%E1%83%98%E1%83%A1-%E1%83%99%E1%83%90%E1%83%9C%E1%83%93%E1%83%98%E1%83%93%E1%83%90%E1%83%A2%E1%83%94%E1%83%91%E1%83%98-%E1%83%AC%E1%83%90%E1%83%A0%E1%83%90%E1%83%93%E1%83%92%E1%83%98%E1%83%9C%E1%83%90.html>

⁵⁸ <https://odishi.ge/%E1%83%A1%E1%83%90%E1%83%96%E1%83%9D%E1%83%92%E1%83%90%E1%83%93%E1%83%9D%E1%83%94%E1%83%91%E1%83%90/2817->

that the public attended the concert on non-working day with own initiative. According to GYLA monitors, several citizens confirmed the fact of transportation by the ruling party to the event, however according to other citizens they transported at their own expenses.⁵⁹

Zugdidi

On October 3, 2017 at 18:00, Zugdidi mayoral candidate of Georgian dream – democratic Georgia Lasha Gogia met the school directors and teachers at Zugdidi Children and Youth Center.⁶⁰ According to our information, the meeting was organized by Georgian dream – democratic Georgia. The head of Zugdidi educational resource center, Kakhaber Partsvania attended the meeting, who urged the teachers and directors of schools to support mayoral and majoritarian candidates of Georgian dream. He stated: “the constitution gives me right to make this kind of statement on non-working day, I urge you to support Lasha Gogia... Many things have been done in our schools, for example the toilets are put in order, school is fenced... So many projects have never been carried out before... All the wise persons will support Lasha Gogia. I want to celebrate your success in the first round of elections“⁶¹

Kvareli

The head of Kvareli Educational resource center Ketevan Chipashvili posted on Facebook during the working hours⁶² where she openly supports Kvareli Municipality majoritarian candidate of Georgian dream – democratic Georgia on behalf of resource center and Kvareli public schools.

Call for/urge of official persons towards subordinated persons in abovementioned cases may represent/may be perceived as the attempt to influence the free will of teachers.

Employees of the kindergartens

As reported, persons employed in kindergartens attended pre-election meetings of ruling party Tbilisi mayoral candidate Kakha Kaladze in groups.⁶³ According to media information the persons employed in the kindergartens confirm that they were warned several days earlier that they were to attend pre-election meetings of ruling party Tbilisi mayoral candidate that was supposed to take place in Tbilisi, on September 24th, on Sunday. According to the same information everything was organized and transportation of the employees of kindergartens was also provided.

Besides the abovementioned, GYLA monitors were informed that teachers were called for party meetings in Telavi and Akhmeta municipality villages and obliged to attend the meetings with ruling party candidates. The teachers were asked to bring one additional person (“supporter”) on the pre-election meetings. One of the teachers explained to GYLA that this obligation was imposed on every teacher, however the teachers avoided to speak openly on this issue. GYLA representative became a witness when the teacher of one of the kindergartens tried to find a person to take with on the pre-election meeting of Sakrebulo majoritarian candidate of Georgian dream, Zurab Liluashvili. According to the observer such facts were revealed in Akhmeta also.

GYLA applied as to the Interagency Commission as well as to the Audit Service and demanded to study the information provided in the application and react within the competence. According to our information, the mentioned fact is studied by the Tbilisi City Hall, as well as CEC. Should be mentioned that the investigation is not launched on the mentioned fact.

Journalistic investigation by Studio Monitor

During the reporting period Studio Monitor released through social media the video of journalistic investigation launched by them.⁶⁴ The reporters of the investigation group called the directors on behalf of Kindergarten Agency and obtained the information.⁶⁵

⁵⁹ <http://www.justice.gov.ge/Multimedia%2FFiles%2F%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2001.10.17.pdf>

⁶⁰ <http://www.livepress.ge/ka/akhali-ambebi/article/20819-lashagogiapedagogebiufasodimgzavrebenvideo.html>

⁶¹ <http://www.livepress.ge/ka/akhali-ambebi/article/20819-lashagogiapedagogebiufasodimgzavrebenvideo.html>

⁶² http://reginfo.ge/politics/item/2669-ybvarlis-saganmanatleblo-resurszentris-uprosis-xinaagmdeg-zesko-s-mimartes?fb_comment_id=1738677099539379_1738759796197776#f1e35f9e1dd282c

⁶³ <http://rustavi2.ge/ka/news/85805>

⁶⁴ <http://rustavi2.ge/ka/news/86636>

⁶⁵ <http://medianews.ge/ge/studia-monitoris-mier-chatarebuli-gamodzieba-romelits-baga-baghebis-direqtores-sheekheba-araseriozulia-temur-tordinava/33333>

According to journalistic investigation, part of directors of kindergartens were involved in election campaign of Georgian dream, they developed the lists of supporters in favor of the party and sent them to the Kindergarten Agency. According to the published materials, the directors themselves confirmed such tasks and its fulfilment.⁶⁶ However when the representatives of Studio Monitor called the directors again and told them they were journalists and not the employees of the Agency, the directors refused everything said before. It is noteworthy that the Head of Kindergarten Agency, Temur Tordinava refused the information regarding the involvement of directors of kindergartens in the telephone interview with Rustavi 2. He stated that it was not clear from the television story whether these people in fact were the directors of kindergartens and that really they were talking in the recording.⁶⁷

Decree of the Government regarding persons employed in local self-governments

The decree of the Government that defined temporary Rules⁶⁸ for Assessment of professional public servants of abolished municipalities of 2017 entered into force in reporting period⁶⁹.

The changes in local self-governments that were planned in pre-election period, without strategy of development of self-government are noteworthy⁷⁰ that negatively affected the quality of self-government independency and decentralization.⁷¹

Expediently, without discussing any subject matter⁷² and in light of merging the municipalities, processes planned without studying/analyzing specific data of human and material resources created the risks of misusing administrative resources for the elections.⁷³

Implementation of special temporary rule for assessment and conducting assessment was not appropriate and created the risks of subjective decision, as there was a chance of abusing the power in favor of political party that could significantly hamper creation of politically neutral public office in pre-election period.

Should also be noted that in order to provide mobility the law does not envisage the need for assessment and the necessity of considering its results. Any person should be subject to mobility despite the assessment results.

It is also noteworthy that establishment of the temporary rule of the assessment by the government as a prerequisite for mobility was not reasonable as according to the law of Georgia on Public Service the assessment was novelty in the system of public service that would enter into force from January 1, 2018 and according to minimal standards of assessment: public servant should be informed regarding the assessment, assessment criteria and rules from the beginning of the year.

Additionally the persons employed in newly established municipalities would be in unequal position with respect to other public servants as they would go through additional assessment.

Ozurgeti

According to the information published in newspaper Guria news on October 2, 2017,⁷⁴ mayoral candidate of Georgian Dream, current Mayor of Ozurgeti, Beglar Sioridze visited the election headquarters in village Natanebi, Ozurgeti municipality with service car. We consider that this activity represented the misuse of administrative resource by Beglar Sioridze.

The mentioned fact was confirmed as by the witness as well as with relevant photo materials where the car with license plate FCF 919 was depicted.

GYLA Ozurgeti office applied to Ozurgeti election commission and requested to draw up protocol of administrative offence against Beglar Sioridze. The case is being reviewed.

⁶⁶ <http://rustavi2.ge/ka/news/86636>

⁶⁷ <http://rustavi2.ge/ka/news/86636>

⁶⁸ <https://matsne.gov.ge/ka/document/view/3797704>

⁶⁹ Telavi, Gori, Mtskheta, Akhalkikhe, Ambrolauri, Zugdidi and Ozurgeti municipalities.

⁷⁰ <http://netgazeti.ge/news/201447/>

⁷¹ <https://gyla.ge/ge/post/ngo-ebis-mimartva-saqartvelos-parlamentis-tsevrebs#sthash.eJg8Wv48.dpbs>

⁷² <https://gyla.ge/ge/post/arasamtavrobo-organizaciata-mimartva#sthash.50aE1Zm9.dpbs>

⁷³ Based on the amendments made on July 26, 2017 the Government of Georgia was tasked to define number of procedures in municipalities abolished and newly created before August 1, including temporary rule of assessment of public servants of abolished municipalities, according to which the employees of those municipalities that were abolished by the decree of the Parliament will have an interview and will be assessed by the specially created commission based on pre-defined criteria. The results of the assessment will be considered during the mobility planned after the elections. The decree also defined that the mentioned process should be finished not later than 10 working days before the next local self-government elections

⁷⁴ <http://www.gurianews.com/article/g-news-tv/administratsiuli-resursi-gamoqenebis-pakti-otsnebis-shekhvedraze-kortsilshi-viqavi-video>

Ozurgeti

According to the information published in newspaper Guria news on September 10,⁷⁵ the head of Chokhatauri municipality Gamgeoba Infrastructure Division, Gia Giorgadze attended the meeting in Ozurgeti organized by Georgian Dream, where the Prime-minister Giorgi Kvirikashvili nominated Guria municipality mayoral candidates, with service car of Gamgeoba. This action represented misuse of administrative resource by Gia Giorgadze.

The mentioned fact was confirmed by photos taken by Guria News journalist where the car with state license plate SAC 555 was depicted. It is noteworthy that the car was observed by the journalist on Ozurgeti Theater Square where the private cars were not allowed during this meeting.

On September 18, 2017 GYLA applied to Chokhatauri N62 DEC regarding launching administrative case proceedings on alleged fact of misuse of administrative resource and for relevant legal decision.⁷⁶ Chokhatauri N62 DEC conducted inquiry and established that Gia Giorgadze have not participated in the meeting of September 10.⁷⁷ According to Gia Giorgadze, he was in Ozurgeti for his own private business matters. Accordingly, Chokhatauri N62 DEC considered it unreasonable to draw up protocol of administrative offence against the head of Chokhatauri Gamgeoba Infrastructure Division.⁷⁸

In this regards GYLA appealed to CEC on October 4. CEC partially satisfied GYLA [appeal](#) – decision N131 of Chokhatauri N62 DEC dated of September 27, 2017 was abolished. The Chair of Chokhatauri N62 DEC was ordered to question the witness indicated in the application of GYLA and deliver a new decision based on study of case materials. As regards our demand to use discipline liability against the Chair of District, this was not satisfied.

Violation of rules of pre-election campaign

Gori

Deputy Gamgebeli of Gori municipality Gela Kapanadze participated in the pre-election campaign illegally.⁷⁹ Namely, Deputy Gamgebeli, Gela Kapanadze visited Gori office of Georgian dream -democratic Georgia on September 21, 2017, during the working hours (15:52), that is confirmed with the interview of TV Trialety journalist with Gela Kapanadze recorded in the office of Georgian dream. Kapanadze states that he is the state-political official and has the right to be in the office of Georgian dream during the working hours.

GYLA Gori office applied to Gori District election commission on 4th of October regarding the mentioned case and requested to draw up protocol of administrative offence against the deputy Gamgebeli. Gori District election commission drew up protocol of administrative offence on October 11 and sent the case to court.⁸⁰

Tbilisi, football match

As media reported the Football Federation together with VTB Bank and Beer Icy was planning to held charity match “World stars for Georgia” on Dinamo Arena on September 29, 21:00.⁸¹

Later the same day it was announced that Tbilisi mayoral candidate of Georgian Dream Kakha Kaladze was also participating in the charity football match together with world stars.

As Kaladze pointed out: „It was legally in question whether I could participate in the match because I am participating in the elections and now I can confirm that I will be participating”. Additionally he confirmed that he was directly asked to communicate with world stars since he is friends with them.⁸²

As media reported, world football stars were participating in the charity match together with Tbilisi mayoral candidate Kakha Kaladze and the match proceeds shall be spent on restoration of the burnt Borjomi forest. Tickets were available on web-page TKT.Ge from September 24, 15:00 and the prices were 5, 10 and 25 GEL.

We consider that the mentioned activity represented violation of requirements of election legislation regarding pre-election agitation rules and illegal donations.

⁷⁵ <http://www.gurianews.com/article/g-news-tv/administratsiuli-resursi-gamoqenebis-pakti-otsnebis-shekhvedraze-kortsilshi-viqavi-video>

⁷⁶ Statement of GYLA Ozurgeti office of September 18 №04-09 (Registration number in district №529)

⁷⁷ Decision of the Chair of Chokhatauri №62 DEC №131

⁷⁸ It is noteworthy that Chair of Chokhatauri №62 DEC have not studied thoroughly actual circumstances indicated in GYLA application, improperly conducted administrative proceeding and accordingly have mad unjustified decision on refusal on drawing up the protocol of administrative offence

⁷⁹ Story posted on TV Trialety web-page on September 21, 2017 <http://www.trialeti.ge/?menuid=2&lang=1&id=8557>

⁸⁰ <http://www.qartli.ge/ge/akhali-ambebi/article/6658-telekompaniathrialetidagelakapanadzesamarthloshishekhvdebian>

⁸¹ <http://www.interpressnews.ge/ge/sazogadoeba/453012-fekhburchis-msoflio-varskvlavebis-monatsileobith-matchis-bilethebidan-shemosuli-thankha-borjomis-tyis-damtsvari-teritoriis-aghdenas-mokhmardeba.html>

⁸² <http://www.interpressnews.ge/ge/sazogadoeba/453101-saqvelmoqmedo-safekhburchis-matchshi-msoflio-varskvlavebthan-erthad-kakha-kaladze-itamashebs.html>

According to our opinion the football match with participation of world class stars and Tbilisi mayoral candidate Kakha Kaladze was aimed at positively portraying Tbilisi mayoral candidate Kakha Kaladze and supported him to be elected. Accordingly the expenses made by Football Federation to organize the mentioned event represented the donation towards the election subject, in the form of tangible and non-tangible assets, Football Federation, as Non-entrepreneurial (Non-commercial) Legal Entity did not have right to provide. Additionally, world stars were planned to participate in the mentioned event who were the citizens of foreign countries. According to the Election Code of Georgia citizens of foreign countries are prohibited to participate in pre-election agitation.

GYLA applied to Central Election Commission regarding the mentioned fact as well as to State Audit Service and Interagency Commission of Free and Fair Elections, to study the abovementioned case and react within their competences. GYLA also urged the world football stars and Tbilisi mayoral candidate to respect Georgian legislation and follow the requirements envisaged by the election legislation.

According to the response of the CEC of September 25, 2017 #01-02/1671 on GYLA application of September 21, 2017 #8-01/339-17, in case if the administrative offense envisaged by the Election Code would have occurred, the election administration would carry out the actions determined by the legislation.

CEC did not consider the mentioned case as the violation of pre-election agitation and clarified in its [decision](#) that the event described in the application was a charity football match and was organized and held by the Football Federation of Georgia with charity purposes. As the Football Federation did not represent the election subject the mentioned event could not have been considered as a part of pre-election campaign.

GYLA does not agree with CEC clarification regarding the definition of pre-election agitation rules.

Tbilisi

As media reported, world football stars were participating in the charity match together with Tbilisi mayoral candidate Kakha Kaladze and one of them was Andrey Shevchenko. After the match Shevchenko conducted agitation in favor of Kakha Kaladze and stated: **“I am very happy to be here. I wish my friend Kakhi Kaladze success with all my heart. I am sure he will be a really good mayor.”**

As Shevchenko, as the citizen of foreign country did not have right to participate in agitation and conduct agitation, GYLA applied to CEC and Interagency Commission to study the issue.

CEC discussed the mentioned issue on October 12, did not satisfy our application and ruled that the statement of Andrei Shevchenko complies with the standard of freedom of speech and expression.

Khashuri

During the reporting period the member of Khashuri N49 PEC from the ruling party, Ramaz Lomidze participated in the agitation. Namely, Ramaze Lomidze attended pre-election campaign of Khashuri mayoral independent candidate Ilia Kapnadze and there he conducted agitation in favor of party Georgian dream. The mentioned fact is confirmed by the story published on the web-page of TV Trialety on October 6, 2017.⁸³ GYLA Gori office applied to Khashuri District election commission and requested to draw up protocol of administrative offence. The case is being considered.

Batumi

During the reporting period Batumi N1 precinct election commission member from United National Movement Marina Jgenti participated in agitation. On October 29, 2017 video was disseminated via social network where the member of Batumi N1 PEC handed the citizen the agitation materials together with voter cards that was followed with protest of the citizen.

GYLA applied to Batumi N79 District election commission in order to launch proceedings on administrative offence. Observer organization Civil Society and Democracy Development Center have also applied regarding the abovementioned fact, based on which the protocol of administrative offence was drawn up and was sent to Batumi City court for further reaction. Based on our information, the court imposed admonition instead of fine.

⁸³ <http://trialeti.ge/?menuid=2&lang=1&id=8773>.

IX. Facts of menace, pressure and physical violence

More than 10 cases of alleged menace/pressure were observed during the reporting period and 5 cases of physical confrontation. Based on the interim report of the Interagency Commission, as a result of media-monitoring and based on the applications submitted to secretariat from different sources, the investigation was launched on 11 criminal cases by the law enforcement organs in the shortest period of time, including 6 cases on violence.⁸⁴ Based on the report the investigation was terminated due to absence of the signs of crime. And continued on 10 criminal cases.

Bejan Gunava case

On September 20, 2017 Samgori majoritarian candidate Bejan Gunava was detained⁸⁵ on hunger strike of Alliance of Patriots.

The members of the Alliance of Patriots tried to place party symbols, banners near the building of the parliament. Police did not allow them and that was followed by the confrontation between the police and the participants of the rally.

Police detained Bejan Gunava under **Article 173** of the Administrative Offences Code of Georgia that implies non-compliance with the lawful order or demand of a law-enforcement office and disorderly conduct. It is noteworthy that the arrest was preceded verbal and physical confrontation between the members of Alliance of Patriots and law enforcement officers.

The trial of Bejan Gunava was to be held on September 21, but was postponed to October 5.

The representatives of GYLA were interested with the mentioned incident from the beginning and checked the facts with Bejan Gunava. GYLA representatives attended the trial of October 5, 2017 within the frameworks of monitoring of court trials but the trial was postponed to October 17.

Lali Kbilashvili case

On September 5, 2017, the presentation of candidates of Georgian Dream was held in Telavi. **Lali Kbilashvili**, who shelters the homeless dogs in Telavi was informed regarding the mentioned meeting, as we were informed later. Lali Kbilashvili decided to meet the Prime-minister and ask for help as the residents of Telavi usually confront him because of dogs and kill her dogs with poisoned food and oppress her and her dogs. With this purpose Lali Kbilashvili translated the slogans where she urged the Prime-minister to help her, to stop killing dogs under her protection.

As she explained to GYLA Telavi office employees, she took one of the puppies, also banner with respective inscriptions and went to the meeting place/the stage in order to reach her goal.

According to Lali Kbilashvili, when she was behind the stage, the officers of Criminal Police Department approached her, put her in police car against her will, explained to her that according to tasks from Management, it was necessary to take Kbilashvili out of the city temporarily and offered her to few hours car-drive outside the city and told her that they would return to Telavi after the meeting.

As Lali Kbilashvili states, she was taken towards Shuamta. She even tried to jump out of the car, as she feared that they would kill her. When she resisted the officers, her dress got torn and she also got injuries on the body.

When Lali Kbilashvili was returned to city, the meeting and the nomination of the candidates of Georgian dream was already over.

When Lali Kbilashvili escaped from the police, she called 112 and accordingly police patrol crew arrived at her, to whom she told everything about all the facts regarding her case with the criminal police department officers.

According to Lali Kbilashvili, on the second day the same officers from the criminal police department visited her and asked her not to complain, otherwise they said they will lose their jobs, accordingly after begging, she promised not to complain.

Despite the promise that Lali Kbilashvili gave to police, as she explains, the investigation is launched on the mentioned fact based on her call to 112, the case is investigated by the General Inspection of the Ministry of Foreign Affairs. Lali Kbilashvili was summoned to the respective organs for questioning.

Additionally, as Lali Kbilashvili explained to us, she informed the representative of Public Defender in Telavi on the mentioned case and asked for help.

GYLA submitted the mentioned information to the Interagency Commission. In turn, the Interagency Commission applied to the Ministry of Internal Affairs of Georgia, to react properly on the mentioned case and the Ministry stated that Lali Kbilas-

⁸⁴ <http://www.justice.gov.ge/Multimedia%2FFiles%2F%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2FIATF%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98%2001.10.17.pdf>

⁸⁵ <http://1tv.ge/news/view/179766.html>

hvili has no complaints with the police.⁸⁶

According to the statement made by the representative of the Prosecutor's Office on October 2, the Prosecutor's Office initiated the criminal case on the mentioned fact.

Zestaponi

On September 3, 2017 the furniture factory of member of Alliance of Patriots Zestaponi regional organization and majoritarian candidate Paata Gabrichidze was burnt down as a result of fire.⁸⁷

According to him the damage totaled up to 30 000 GEL. Fire damaged as the designed furniture, also the materials for the new furniture. The fire started during the night. Possible cause of the fire was said to be electricity, however Gabrichidze disagrees with this version as the electricity was off when the fire started in the factory. In conversation with GYLA Paata Gabrichidze stated that he does not exclude the fact that the incident was related to his political activities.

Paata Gabrichidze was a supporter of Georgian dream since 2012 but later he left the party. According to him after he left the Georgian dream and resumed political activities with Alliance of Patriots, he received several threatening phone calls.

Regarding the abovementioned GYLA applied to the Interagency Commission, to study the presented information within their competence and take appropriate measures

In turn the Commission applied to the MIA that concluded that the fire was set to the factory of Tornike Zuzadze, who himself confirms that the mentioned incident was caused by his negligence and Paata Gabrichidze disclosed the fact of the fire via mass media with the purpose to gain financial assistance for the family of Tornkie Zuzadze from the local self-government. Besides this, according to the information from official web-page of the Commission, from the response section of MIA and Prosecutor's Office, the scene of incident was examined by the expert of criminal case, the fragments of electric pipes damaged from thermal impact were removed. The fire in the furniture factory may be caused by electrical fault. The case is being investigated.⁸⁸

Tetrtskaro

Party list of Bakradze, Ugulava – European Georgia was abolished, as all the candidates refused to participate in the elections.⁸⁹ Mayoral candidate of the same party also refused to participate in the elections and was removed from registration based on own application. As we are informed, the candidates stated that they were planning to move abroad to study or live and based on this reason they refused to participate in the elections. It is noteworthy that sudden and group decision of the candidates of European Georgia about withdrawing of their candidacies creates doubts about the sincerity of the candidates.

⁸⁶ MIA: On September 5, 2017, the notification was received via hot line of the General Inspection of the Ministry (126) from citizen of Georgia Lali Kbilashvili, where she stated that the same day she was in Telavi, where the meeting of the population with the Prime-minister of Georgia was planned. The police officers put her in car using the force and took her out of the territory forcefully. L. Kbilashvili called the operator again later and asked to cancel her previous notification. On September 8, 2017 we contacted L. Kbilashvili, when she stated that she will come to the General Inspection of MIA, however she did not come and did not respond the phone calls. After the abovementioned she was sent the written notification but she still have not appeared yet. The above-mentioned incident was checked in Telavi regional division, where the same information regarding L. Kbilashvili was submitted. Based on the materials requested, on September 5, L. Kbilashvili was moving in Telavi, where the event of meeting of Prime-minister with population was held. She could not continue movement as the officers of State Special Security Service did not let her. She got irritated because of the fact and submitted the notifications to the hotline of General Inspection (126) and 112, Additionally L. Kbilashvili notes that she has no complaints towards the police.

⁸⁷ <http://zestafoni.ge/news/politika/patriotta-aliانسis-majoritarobis-kandida.html>

⁸⁸ On August 30, 2017 Zestafoni Regional Division was notified that the building in front of the School N6, village Kvalti, Zestaponi municipality was burning.

Upon arrival at the scene of the incident, it was identified that Tornike Zuzadze furniture factory was burning. The fire was liquidated in timely manner by the fire brigade. Nobody was injured, the factory was fully burnt and the materials in it. According to the owner of the factory, Tornike Zuzadze, the fire was caused by his negligence. Namely, he has left the power switch switched on, which was connected to the power line and the power supply cables. The same was confirmed by the son of Tornike Zuzadze – Nodar Zuzadze. According to witness, brother of his mother – Paata Gabrichidze is the member of the Alliance of Patriots and is participating in local self-government elections of October 21. According to Nodar Zuzadze, Paata Gabrichidze disclosed the fact of the fire via mass media with the purpose to gain financial assistance for the family of Tornkie Zuzadze from the local self-government. According to Paata Gabrichidze, he has invested 15 000 USD for functioning of the factory, however he is not registered by documents as co-owner of the factory. According to him, the building was intentionally set on fire, as 10 days earlier he took reporters of the TV Objective to the certain spot on Megobroba street, in Zestaponi and showed them the place where several trees were cut (the Square is build on the mentioned spot). TV story was aired in news program, where he stated that Zestaponi municipality Gamgeoba has not announced the tender for the construction of the square. Paata Gabrichidze supposes that critical statements made in the mentioned interview caused the intentional fire, to frighten him and keep away from the election process. He also indicates that unknown male called him on September 11, 2017 from hidden number and told him: "you are trying in vain, it will burn again" and hung up. He could not provide the phone to check the mentioned call, as his son changes the numbers often. Scene of incident was examined by the expert of criminal case; the fragments of electric pipes damaged from thermal impact were removed. The fire in the furniture factory may be caused by electrical fault. The case is being investigated".

⁸⁹ <https://gyla.ge/ge/post/arasamtavrobo-organizaciebi-tetrtsyaros-saarchevno-olqshi-ganvitarebul-movlenebs-ekhmaurebian#sthash.ovHMorX.dpbs>

It is noteworthy that the candidates have not made any clarifications regarding the withdrawal of the candidacies despite that they were planning to move abroad to study or work. Additionally, the representative of the party clarifies that they were informed on withdrawal of the candidacies not by the candidates themselves but – election administration.

According to the information of European Georgia, the candidates in other municipalities were also persuaded, in some cases even threatened, to withdraw their candidacies.⁹⁰ It is noteworthy that besides the Tetrtskaro municipality there are other cases of pressure on candidates of other parties, including Aspindza and Dmanisi.

Dmanisi

On September 28, media-portal droa.ge reported that Georgian dream is pressuring the population. Lawyer of ruling party Dmanisi headquarters Emzar Petriashvili forces to swear on Koran that they will mark 41 in bulletins on 21st of October.

Several days earlier the same portal reported that majoritarian MP Kakha Okriashvili and his team enforce the independent candidates to withdraw their candidacies. Current Gamgebeli of Dmanisi, Gogi Barbakadze talked about the abovementioned.⁹¹

Within the frames of the monitoring mission, the representatives of GYLA visited Dmanisi, for case-studying and monitoring and met directly Movement for Building mayoral candidate Gogi Barbakadze and several residents of village Irganchai. The mayoral candidate discussed the cases of pressure on the population and alleged bribery (Koran, involvement in agitation) and also several cases of pressure on him and his relatives. According to him:

- On September 27, 2017 the lawyer of Georgian dream Dmanisi headquarters Emzar Petriashvili and relative of Kakha Okriashvili, Mamuka Okriashvili gathered 50 residents of village Irganchai and made them swear on Koran that they would vote for Georgian dream on the elections and would be agitators of the mentioned party. According to Gogi Barbakadze the case of swearing on Koran also took place in 2012 when Kakha Okriashvili was a member of United National Movement.⁹² Despite the number of attempts GYLA could not reach the MP Kakha Okriashvili.
- The population of village Irganchai are promised to assist in solving the problematic issues exchange of voting.⁹³
- Members of Georgian dream demand from the population of the village to agitate and promise to pay compensation of 150 GEL in cash.
- The head of Kvemo Kartli Forestry Service obliged the relatives of the mayoral candidate to write resignation letters and leave jobs voluntarily. One of them have already written the letter but the other, namely, Seiran Khizanishvili did not write the letter and still holds his position.
- Local Police searched house of the supporter of mayoral candidate. Police searched for unregistered firearms in the house.
- Regarding the abovementioned GYLA applied to the Interagency Commission, to study the presented information within their competence and take appropriate measures.

Aspindza

According to media information on October 7, 2017 Aspindza municipality public servants and representatives of Gamgebeli were pressured in Aspindza.⁹⁴ Namely, public servants of Aspindza municipality, representatives of Non-commercial Legal Entities and Gamgebelis were summoned to the Aspindza headquarters of Georgian dream on October 7. According to Georgian dream it was a regular meeting.⁹⁵

The persons who were threatened during the mentioned meeting informed GYLA about the case. The mentioned persons stated in conversation with GYLA that they were thoroughly searched before entering the office of the ruling party. Namely, at first they were confiscated the cell phones and were told, the reason of it was that some people on the meeting wanted to record the discussion on the meeting. Afterwards they were searched with a special machine.

The head of Georgian dream Regions Department Dito Samkharadze and mayoral candidate Rostom Magrakvelidze also attended the meeting.

Samkharadze requested from the participants to support only Georgian dream, to work only for Georgian dream, otherwise there were threats on dismissal from work, also on arrests. There was a demand to support Georgian dream, otherwise, as

⁹⁰ After verifying the information on the mentioned facts, we will provide the society additional information later.

⁹¹ <https://www.youtube.com/watch?v=XkM4cpCx1Q8>

⁹² <https://www.youtube.com/watch?v=dhIhio8VD4A>

⁹³ One of them was promised that they will help him to find lost sheep (the mentioned citizen has applied to the investigatory organs for several months already, however no investigatory activities have been carried out yet)

⁹⁴ <http://sknews.ge/index.php?newsid=15166>

⁹⁵ <http://sknews.ge/index.php?newsid=15166>

they said, they would bring 5000 individuals from regions, however there was no clarification of what kind of help would these 5000 individual provide for them.

According to GYLA monitors, the participants explained to the head of the Party Regions Department and Aspindza mayoral candidate that they support Georgian dream, however they were planning to vote for independent mayoral candidate Levan Tshabadze, who is the current Gamgebeli of Aspindza. The attendees left the meeting after this. According to our information, head of Aspindza Department of Municipal Improvements, representative of Gamgebeli of village Orgora-sakhudabeli and representative of Gamgebeli in village Iveria left the meeting in protest.

It is noteworthy that the same day, late at night the banner of independent mayoral candidate Levan Tshabadze was torn down in Aspindza. Additionally, according to one of the participants of the meeting in the party office, Zura Shavadze the population in village Iveria are frightened, they are threatened that if they do not support the Georgian dream mayoral candidate they will have problems with property.

Regarding the abovementioned GYLA applied to the Interagency Commission, to study the presented information within their competence and take appropriate measures.

Tskaltubo

According to European Georgia, Tskaltubo mayoral candidate of European Georgia, Severian Gorduladze and his brother, majoritarian candidate of European Georgia in Tskaltubo were threatened.

GYLA monitors checked the mentioned information. According to Kakha Gorduladze, he returned from Vladikavkaz to Tbilisi on October 2, 2017 and unknown person called on his cell phone from phone number: 700 700 700. The unknown person demanded from him to withdraw his candidacy and return to Vladikavkaz, otherwise he threatened with dismissal of his wife, who is a teacher in one of the public schools in Bardnala.

Should be noted that the same day, when the threatening phone call was made, Kakha Gorduladze called only his brother from his cell phone. As nobody else knew his number yet, Severian Gorduladze considers that his cell phone is being listened to. They applied to the police regarding the threatening call. Inquiry is made regarding the information on the mentioned case. Kakha Gorduladze's spouse has also written explanatory statement.

Protest rally at Tbilisi City Hall and confrontation in Sakrebulo

On September 29, 2017 Tbilisi Sakrebulo discussed the issues of changing functional zone status of the land plot adjacent to Hotel Panorama Tbilisi to build underground parking lot and of removing recreational status of the 4 700 m² land plot in favor of Tabori Resort, the Sakrebulo delivered decision in favor of Tabori Resort.⁹⁶

The mentioned decision was appealed by the opposition representatives that resulted in noise and confrontation in the Sakrebulo hall. In the end the Chair of the sitting expelled mayoral candidates of the party European Georgia and United National Movement, Elene Khoshtaria and Zaal Udumashvili, the leader of Republic Party, Khatuna Samnidze was not allowed to enter the Hall.⁹⁷ After all these the members of opposition and their supporters moved to Tbilisi City Hall to express protest on the mentioned decision.⁹⁸

As the leader of United National Movement and their supporters stated, they rallied against transferring the territory on mountain Tabori to the company that is related to the name of former prime-minister Bidzina Ivanishvili.

The members of United National Movement blocked the road as a sign of protest that hampered the traffic, however as a result of urges of the leader of National Movement the road was soon unblocked. The confrontation between the police and participants of the rally escalated⁹⁹ as the participants attempted to enter the City Hall building. 6 supporters of the National Movement were detained on during the protest rally.

⁹⁶ <http://netgazeti.ge/news/223014/>
<http://www.mediamall.ge/?newsid=206528>

⁹⁷ <http://liberali.ge/news/view/31508/sakrebulo-shi-opozitsia-savaraudod-ivanishvilis-kompaniistvis-mitsis-gadatsemis-gegmas-aprotestebis>

⁹⁸ <https://www.allnews.ge/sazogadoeba/156315-%E1%83%A1%E1%83%90%E1%83%9E%E1%83%A0%E1%83%9D%E1%83%A2%E1%83%94%E1%83%A1%E1%83%A2%E1%83%9D-%E1%83%90%E1%83%A5%E1%83%AA%E1%83%98%E1%83%90-%E1%83%97%E1%83%91%E1%83%98%E1%83%A1%E1%83%98%E1%83%A1%E1%83%98%E1%83%A1-%E1%83%9B%E1%83%94%E1%83%A0%E1%83%98%E1%83%90%E1%83%A1%E1%83%97%E1%83%90%E1%83%9C-%E1%83%90%E1%83%93%E1%83%92%E1%83%98%E1%83%9A%E1%83%96%E1%83%94-%E1%83%9B%E1%83%9D%E1%83%91%E1%83%98%E1%83%9A%E1%83%98%E1%83%96%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%98%E1%83%90-%E1%83%9E%E1%83%9D%E1%83%9A%E1%83%98%E1%83%AA%E1%83%98%E1%83%90.html>

⁹⁹ <http://rustavi2.ge/ka/news/86393>

Events that Took Place at Tbilisi Sakrebulo on October 10

Tbilisi Sakrebulo sitting to discuss the issue of transferring two land plots at Pushkin Square and mountain Tabori to Tbilisi City was carried out on the background of the opposition noisy rally on October 10, 2017.¹⁰⁰

Opposition members wanted to protest the topics to be discussed on the mentioned sitting and tried to enter the Assembly sitting hall, but the law enforcement bodies mobilized at the Assembly did not let them to¹⁰¹, as according to their explanation, the sitting was declared closed.

Despite the resistance, opposition party representatives tried to enter the Assembly building and as a result 11 members of the United National Movement were detained¹⁰², including Kote Ioseliani, the majoritarian candidate for Vake district.

According to Ioseliani, law enforcers forced him in a car and did not explain the reasons for his arrest.¹⁰³ According to him, the detention of the opposition members was illegal and the police used excessive force against them.

It should be noted that the trial of the detained persons was postponed to October 17, 2017. All 11 arrested persons are released until the next hearing.

We consider that the incidents of this kind have a negative impact on pre-election environment. In any case detention shall be used as the last resort whilst the law enforcement bodies should be maximally meticulous and power should not be used without the existence of extreme necessity.

X. Cases of interfering with pre-election campaign

Tbilisi

On September 9, 2017 an incident took place at headquarter of Kote Ioseliani, the majoritarian candidate of the National Movement in Vake district, in particular, a brick was thrown at the office.

As Ioseliani states in conversation with GYLA unknown person/persons threw a plastic bottle to his office the day before hitting one of his co-workers in face. On the next day of the mentioned incident a brick was thrown at the office which Ioseliani connects with his political activities and assesses it as prevention of the pre-election campaign.

Patrol Police arrived at the place of the incident and received explanation from Ioseliani, but according to him, no further reaction was followed.

Interfering with Aleko Elisashvili Pre-election Campaign

On September 19 of the current year, a video footage was released on the Facebook page of Aleksandre Elisashvili, a mayoral candidate for the May 21, 2017 Tbilisi Mayor's Elections showing a probable fact of interference with agitation event.¹⁰⁴ The video footage shows that the deputy governor (according to his statement - Ugulava), citizen Irma Bendeliani (a member of the Georgian Dream's election headquarter) and other strangers prevent to hold interview with Aleksandre Elisashvili and his supporters and hold the event. It should be noted that, according to the video material, the action develops during working hours. GYLA addressed both the CEC and the Interagency Commission and requested to react.

The Interagency Commission addressed the Ministry of Regional Development and Infrastructure regarding the mentioned, which declared that there was no interference with pre-election campaign.¹⁰⁵ On the other hand, the CEC has begun to study

¹⁰⁰ <http://1tv.ge/ge/news/view/183043.html>

¹⁰¹ <http://1tv.ge/ge/news/view/182982.html>

¹⁰² <http://www.interpressnews.ge/ge/samartali/457038-thbilisis-sakrebulothandakavebuli-nacmodzraobis-kidev-11-tsevri-math-shoriskoteioseliani-momdevno-sasamarthlo-skhdmamde-gathavisuflda.html?ar=A>

¹⁰³ <http://rustavi2.ge/ka/news/87080>

¹⁰⁴ <https://www.facebook.com/AlexanderElisashvili/videos/1685178698180937/>

¹⁰⁵ „Residents of 63 Tsereteli Avenue addressed the Didube Gamgeoba and requested installation of a new decorative railings instead of the brick fence at the construction site at the mentioned territory. The mentioned fence is within the “red lines” of the partnership (“amkhanagoba”). Under the order of Gamgebeli, Deputy Gamgebeli Zurab Ugulava visited the site. When heading to the service car after the inspection he was met by Aleksandre Elisashvili and his accompanying persons who were at the area where a sport stadium is planned to be arranged. The operator probably recognized the Deputy Gamgebeli and approached him with a camera; He checked whether he was deputy Gamgebeli of Didube district and after the confirmation a conversation was started between Aleksandre Elisashvili and Zurab Ugulava, which turned into argument. The topic of argument was the construction on the location (63 Tsereteli Avenue). According to Elisashvili a hotel was to be constructed on the territory; According to Zurab Ugulava the arrangement of the sport stadium is planned in this area, upon which the residents of the address requested by the collective application. The stadium project was drafted in 2015, but since the location had a recreational zone 1 status, the construction was impossible to be launched without the territory zone change, thus the stadium arrangement was postponed to January 2018. Currently the territory zone is changed, the Gamgeoba representative explained this issue to the gathered population and called Elisashvili not to mislead the public. Consequently, there was no interference with the election subject and the statement of Aleksandre Elisashvili and the video material that he posted on his personal page does not fully reflect the essence of the conflict. Thus, the public is intentionally misled through dissemination of incomplete information and unilateral assessment. The municipality disregards any facts of violation of the law (including violation of election legislation).“.

the issue¹⁰⁶, but the specific outcome is not achieved at the moment.

Zugdidi

On September 3, 2017 in the local office of “European Georgia” in Zugdidi, the party advertising banner was torn down. Lela Keburia, a mayoral candidate of the party linked the action to the “Georgian Dream” party.

According to her investigation is launched regarding the incident according to the Article 187 of the Criminal Code of Georgia. As Keburia explained in her conversation with GYLA representatives, all the banners nearby the market territory were torn down and scratched, including the banners of the opposition parties. The GYLA monitors confirm this fact.

Zugdidi

In the reporting period, it became known that the independent mayoral candidate of Zugdidi Domenti (Zviad) Sichinava, ordered the advertisement for the placement on billboards in Zugdidi to the advertising company Outdoor.ge, as, according to him, there were no other alternatives.

Despite the fact that the contract was signed with all the details outlined and the mayoral candidate paid a fair amount of money to the advertising company for the placement of the agitation material on the billboard, the billboards installed by the company in Zugdidi on September 23 “fell off” in couple of hours one after another. The company declared that the billboards had technical issues, but it turned out that all four billboards with Domenti Sichinava posters placed did not have any technical problem. The independent mayoral candidate of Zugdidi assesses the incident as a purposeful interference.

Bolnisi

The members of the European Georgia held a meeting with supporters in Bolnisi on October 3. According to our monitor, Shakhali Maxmov, a supporter of the European Georgia, who was moving in the agitation vehicle to fuel up, was attacked by two unknown persons. After verbal abuse, the attackers started throwing the stones and damaged a party agitation vehicle.

The Ministry of Internal Affairs declared that the investigation was launched under the article 187 of the Criminal Code. According to them, people were not injured during the accident and only the car was damaged.

Marneuli

On August 27, 2017, Akhmed Imamkuliev, chair of the regional organization of the political union of citizens - Movement for Liberty - European Georgia, in the village of Kizilajlo of Marneuli municipality, held a meeting with the population, when an incident occurred, that was expressed in interference with the pre-election campaign by the Georgian Dream.

In particular, as representatives of the European Georgia stated in conversation with GYLA, the Georgian Dream activists hindered filming of the events and conducting it in a peaceful environment.

In addition, according to the existing information Jeikhun Chovdarov (probable majoritarian candidate for Marneuli Municipality Assembly from the political union of citizens Georgian Dream – Democratic Georgia), Paik Gojaev (Marneuli Municipality Culture Center worker), Anar Mamishov (brother of Nurlan Mamishov, Marneuli Municipality Gameoba worker; ten people in total) took part in the mention actions. A similar incident was repeated on August 28, 2017 in Baidara village of Marneuli Municipality. Up to 10 people were involved in it including Mekhdi Kurbanov (Marneuli Municipality Gameoba worker).

The political union Movement for Liberty - European Georgia addressed the Interagency Commission to respond to the fact upon which the following structural units responded/reacted: CEC, which stated that the mentioned cannot be assessed as violation of the pre-election agitation rules as the meeting was held on Sunday which is not a working day and public workers have right to attend the meetings like that. According to MIA, there was only a verbal confrontation and not interference with the pre-election campaign, since Imamkuliev was able to freely broadcast live despite the confrontation.

Tbilisi

On August 27, 2017, a video was spread on the social network “Facebook”, which clearly showed that unidentified people dressed in symbolic t-shirts of one of the parties presented themselves to the citizens as supporters of Aleksandre Elisashvili, independent Tbilisi mayoral candidate and requested for alleged support of Elisashvili their personal data and signatures on a form of an unknown origin.

¹⁰⁶ „With regard to this fact, the CEC has started studying the case within the scope of which the Deputy Gamebeli of Didube was sent a written notice to present his position“.

As a result, the citizens had a feeling that they already confirmed their support to Aleksandre Elisashvili on those forms and did not sign the actual election forms that belonged to Aleksandre Elisashvili and bound by law was to be submitted to the CEC to ensure further participation of the mayoral candidate in the election.

According to Aleksandre Elisashvili headquarter explanation, the fact was aimed interfere with exercise of the electorate will by deceiving envisaged by the subparagraph b of the paragraph 2 of the article 162 of the Criminal Code of Georgia.

Aleksandre Elisashvili addressed Isani-samgori district police on August 28, 2017 with a request to launch investigation¹⁰⁷, the request was denied.

In addition, Aleksandre Elisashvili headquarter representatives addressed the Interagency Commission regarding the issue and requested to study the case and respond within the competence, but investigation was not launched.

Rallies at Cartu Bank and Georgian Dream Offices

During the reporting period, the counter-agitation facts against the ruling party and its mayoral candidate took place. In particular, the members and supporters of the political party – United National Movement held a rally at Cartu Bank building and blamed Bidzina Ivanishvili, the ex-Prime Minister in money laundering¹⁰⁸.

The mentioned rally did not occur in a peaceful environment, verbal confrontation was observed. Patrol police was also mobilized¹⁰⁹. It is noteworthy that the representatives of Cartu Bank called the accusations expressed during the rally unfounded and therefore they are going to appeal to the court.

It is noteworthy that a similar rally was held at the headquarter of Kakha Kaladze, Georgian Dream mayoral candidate of Tbilisi¹¹⁰. In particular, on September 22, 2017 victims of “Bavshvta Samkaro” fire gathered at Kakha Kaladze headquarter and used the extreme form of protest – hunger strike. According to the citizens, the fire was set intentionally since the Tbilisi mayoral candidate had business interests about the location aiming to build a new shopping center on the territory of “Bavshvta Samkaro”.¹¹¹

¹⁰⁷ <http://netgazeti.ge/news/217206/>

¹⁰⁸ <http://www.ipress.ge/new/85383-qartu-banktan-nacionaluri-modzraobis-aqcia-mimdinareobs-video>

¹⁰⁹ <http://rustavi2.ge/ka/news/85344>

¹¹⁰ <https://imedinews.ge/ge/archevnebi/28457/kakha-kaladzis-saarchevno-shtabtan-saprotesto-aqtsia-mimdinareobs>

¹¹¹ <https://imedinews.ge/ge/saqartvelo/28016/kakha-kaladzis-shtabtan-bavshvta-samkaros-dazaralebulebma-shimshiloba-daitskes>

