



#GeorgianElections2017: Newsletter #4 September 2017

About the GYLA's monitoring mission

On June 1 the Georgian Young Lawyers' Association (GYLA) started the pre-election monitoring of the 2017 local self-government elections.

The GYLA is observing the pre-election period through its head office in Tbilisi and regional offices in eight regions of Georgia: Adjara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, and Samegrelo.

The aim of the monitoring, which is being carried out in the framework of the USAID-supported project "Promoting More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia", is to contribute to the introduction of objective, fair, independent and effective investigations, fair trial, and uniform practice and to ensure the promotion of inclusive and competitive electoral environment for women, persons with disabilities, and ethnic minorities. The project also aims to promote transparent electoral processes, in particular, to inform citizens of Georgia and the international community of violations and trends related to the 2017 local self-government elections and to turn their attention to the shortcomings accompanying electoral processes, as well as to identify problems in the electoral legislation and to advocate

relevant legislative changes after the elections are over.

In the case of identifying violations, the organization submits the relevant information or complaints to the Election Administration, the Interagency Commission for Free and Fair Elections, the State Audit Office, and other relevant agencies with the aim of ensuring response provided for by law.

This newsletter deals with the developments and violations that can exert an influence on the electoral environment. The GYLA has requested additional information on alleged violations and other developments, and we will also provide the public with the results of their analysis.

In addition, in the nearest future, the organization will present to the public its first interim report on the pre-election context and the developments that take place during this period.

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Violation of the rules of pre-election agitation

According to September 19 [report](#) of the InterPressNews news agency, the Georgian Football Federation, together with VTB Bank and Aisi beer company, will hold a charity football match “World Stars for Georgia” at the Dinamo Arena. The match will be held at 9 P.M. on September 29 this year.

Later on the same day, it became known that Kakha Kaladze, the Georgian Dream’s mayoral candidate in Tbilisi, was also going to play in the charity match together with the world’s football stars. As [Mr. Kaladze told journalists](#), “We faced a legal question of whether I could take part in the match, as I am running in the elections, but now I can tell you with certainty that I will take part in the game.” He also confirmed that he had been asked to contact the football stars, because they are his friends.

According to [news reports](#), the world’s football stars will take part in the match together with Kakha Kaladze, the mayoral candidate in Tbilisi, and the proceeds from the game will be used for restoring the burnt forest areas in Borjomi. The online sale of tickets on the tkt.ge website will start at 3 P.M. today. The prices of the tickets will be GEL 5, GEL 10, GEL 15, and GEL 25. It is also noteworthy that the event is being organized by the Georgian Football Federation.

The GYLA believes that this fact presumably contains signs of violation of the rules of pre-election agitation and of unlawful donation, which should also be studied.

In connection with this fact, the GYLA filed an [application](#) in the Central Election Commission of Georgia, the State Audit Office, and the Interagency Commission, asking them to study this within their competence.

In response to the application, the CEC [stated](#) that the Election Administration would take statutory measures after, not before, the concrete fact had taken place.

As for the position of the Interagency Commission, it took an interest in the said fact and applied to the State Audit Office with a request to study the case.

The GYLA is observing the process that is underway and will later provide the public with updated information.

Hindering of election agitation/campaign

On September 19 this year, the Facebook page of Alexander Elisashvili – a candidate registered for the elections of the Mayor of Tbilisi of October 21, 2017 – disseminated a [video](#) showing a fact of alleged hindering of an agitation event. The video shows the Deputy Head of Municipal Administration of the Didube District (Ugulava, according to his words), a citizen called I. Bendeliani (a member of the campaign headquarters of the Georgian Dream, according to her words), and other strangers preventing Alexander Elisashvili and his supporters from holding a campaign event and giving an interview. It is also noteworthy that, as shown in the video, the incident occurred during working hours.

In connection with this incident, the GYLA filed an [application](#) in the Interagency Commission, asking the commission to study the case within its competence.

The GYLA continues to monitor this case and will later provide the public with updated information.

Case of alleged use administrative resources

According to September 10 [report](#) of the Guria News newspaper, Gia Giorgadze, head of the Infrastructure Service of the Municipal Administration of Chokhatauri, went to a meeting organized by the Georgian Dream party – at which the Prime Minister Giorgi Kvirikashvili presented the mayoral candidates in the Guria Region – in a state-owned car. This fact is confirmed by a witness, as well as by photos.

The GYLA believes that this fact constitutes the use of administrative resources, with regard to which we [filed an application](#) in the District Election Commission No. 62 of Chokhatauri with a request to take a legal decision on the aforementioned.

The GYLA continues to monitor the case and will later provide the public with updated information.

Mutual sharing of Georgian and French experience in resolution of electoral disputes

On September 22, 2017, the GYLA held a meeting on the topic of “Administrative Justice and Resolution of Electoral Disputes” with representatives of the Council of State of France.

The meeting was aimed at mutual sharing of experience of the two countries in the resolution of electoral disputes. The meeting was attended by stakeholders in the electoral process, including representatives of the Election Administration, the Ministry of Justice, and observer organizations.



The meeting was opened by the Ambassador of France to Georgia, Pascal Meunier, who gave a general overview of the role and function of the Council of State. And advisers to the Council of State, Yves Gounin and Yves Doutriaux, talked about the processes and practice of resolution of various types of electoral disputes in France.

Irma Pavliashvili, the representative of the GYLA and a specialist of electoral issues, gave a talk about the practice of resolution of electoral disputes in Georgia and about the trends recently identified in this area. In particular, she emphasized the challenges identified as a result of the 2016 parliamentary elections and the views and recommendations developed by the GYLA in response to them.

Decree of the Minister of Internal Affairs for ensuring the conduct of elections in a free and safe environment

The Minister of Internal Affairs, Giorgi Mgebrishvili, has issued a special [decree](#) that provides for taking additional measures by the MIA for ensuring a free, safe, and peaceful environment for the upcoming elections of representative and executive bodies of local self-government on October 21, 2017.

According to the special decree, in order to prevent offenses and provide a timely and adequate response, the MIA will create special responsible groups in each region of Georgia which will plan and organize the implementation of activities to be carried out by police forces for identifying possible threats and evaluating risks in their respective areas.

The decree also makes police officers obliged to observe political neutrality while fulfilling their official duties both during the pre-election period and on Election Day.

The GYLA gives a positive assessment to the issuance of this decree. We believe that the decree, if enforced, will contribute to the creation of a safe election environment.

The Code of Conduct of the Election Administration and local observer organizations

The GYLA, along with other observer organizations and the Election Administration, has signed the [Code of Conduct](#) for the 2017 local self-government elections.

The document aims to contribute to conducting the 2017 local self-government elections fairly and transparently, as well as to ensure the respect for the rule of law and the observance of the main principles of elections.

The signatories have agreed that during the elections of October 21 they will be guided by the legislation of Georgia, the internationally recognized standards, and the said Code of Conduct.



The aforementioned document was first developed for the parliamentary elections of October 8, 2016, and it was signed by both the Chairperson of the Central Election Commission and representatives of 23 local observer organizations.



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