

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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GYLA's Evaluation of 19th May 2019 Interim and By-Elections

According to GYLA's evaluation, May 19/2019 by-elections and interim elections were held without substantial violations, however, negative tendencies were revealed (related to free expression of voters will and charged environment). Unfortunately, in a number of cases, the tension has evolved into physical confrontation and violence. Additionally, two negative facts must be emphasized: GYLA observers were not allowed to enter Zugdidi district during the vote count; in the same district, police allegedly illegally detained journalist.

Currently, GYLA continues examination of the post-election day period (precinct election commission summary protocols) and observation of the post-summary processes in the upper election commissions. **GYLA will present the summary report, covering the pre-election, election day and post-election period monitoring report to the public.**

The major violations revealed by the observation mission:

In Zugdidi district, throughout entire day, at different polling stations and adjacent territories, there were incidents among the supporters of various political parties. GYLA considers that such facts alienate voters from the voting process and negatively affect the free expression of voters' will. In this context, the words of the leader of the United National Movement – Mikheil Saakashvili, were alarming, which further inflames the situation.^[1] It is unfortunate that the ex-president in his statement also belittles the role of the observer organizations.^[2]

Mobilization of coordinators and supporters near the polling stations also negatively affects the free expression of voters' will. They either counted the incoming citizens on a distance, or through photo-video footage, recorded the electoral process. Such cases were revealed by GYLA observers in Zugdidi district #1 and #4. Although, none of those cases represent a violation, but it causes discomfort to voters and creates the feeling of control. These facts were

assessed as a negative tendency during previous elections as well, by both local,^[3] and international^[4] observation missions. The statements of one of the leaders of the ruling party (Kakha Kaladze) were concerning.^[5]

Detention of the online publication presa.ge, editor Giorgi Kapanadze is particularly alarming.^[6] As the footages demonstrate, there were no legal grounds for the detention, while the actions of the police have exceeded their authority and require further examination.

GYLA observer was not allowed inside the polling station #9 of Zugdidi district, which is the violation of the electoral legislation^[7] and involved imposing a fine^[8].

Vote secrecy principle was violated in Tskaltubo, where the electronic voting was being tested. According to GYLA ☐ information, scanner had technical problems a number of times. Resolving this problem requires removing the ballot from the equipment, when it is possible to identify the choice of a voter. Technical problems continued throughout the day, which is why the voting process was temporarily suspended in two polling stations.

GYLA observers have submitted total 8 complaints in Zugdidi, Marneuli and Mtatsminda districts:

- At the polling stations #73 and #75 of Zugdidi district ☐ regarding the violation of the casting of lots procedure (refusal to participate, refusal to perform randomly assigned functions);
- Precincts #10 and #32 of the Zugdidi district ☐ violation of the voting procedure (voter from the mobile list has voted at the polling station, envelope was taken into the voting booth);
- Precinct #108 of the Zugdidi district ☐ presence of unauthorized person at the polling station (live reporter ☐ so-called ☐A of the TV Imedi was allowed inside without the reporter's card – the violation was resolved later);
- Precinct #9 of the Zugdidi district ☐ limitation of the right of observer (GYLA ☐ observer was not allowed inside the polling station);
- Precinct #83 of the Marneuli district ☐ repeated voting (voter with inking has voted

repeatedly);

- Precinct #11 of Mtatsminda district □ the balance was not present (the number of signatures did not coincide with the number of used ballots).

(The document may not reflect the facts, which were not received by GYLA at the moment of drafting the statement, or if the information is undergoing verification).

GYLA Observation Mission on the Election Day

GYLA has observed the May 19/2019 Parliament □ By-Elections in the Mtatsminda majoritarian district; Mayor □ Extraordinary Elections in Mtatsminda, Marneuli, Zugdidi and Khulo districts, as well as Interim Elections of Tskaltubo and Ozurgeti Municipality Councils. GYLA has had total 50 observers deployed.

Static observers were deployed in 22 electoral precincts throughout Georgia. GYLA has observed in 6 districts through 17 mobile groups and 7 district observers. GYLA emphasized both compliance with electoral procedures (opening, voting and summary procedures at the polling station), as well as the developments surrounding the polling stations on the adjacent territories. When revealing violations, GYLA interferes with strategic litigation mechanism at the district election commissions and in the courts.

On the election day, GYLA has operated the special hotline - 032 2 18 26 30, allowing citizens to obtain legal consultations regarding the electoral procedures.

GYLA has also operated the hotline for journalists and media organizations, where they could receive useful information and legal consultations regarding elections, violations and the ways to respond to them.

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[1] Mikheil Saakashvili – აქაც they touch anything, we will not sit still and wait for the conclusions – I am not going to wait for someone – conclusion – age interpressnews, available at:

<https://www.interpressnews.ge/ka/article/547274-mixeil-saakashvili-tu-raimeze-xeli-caucdebat-ar-vapirebt-xelebis-chamoshvebas-da-daskvnebis-imedad-qopnas-meti-sakme-ar-makvs-ekvsi-tve-vigacis-daskvnas-velodo/>, updated: 19.05.2019; Mikheil Saakashvili to supporters – აქაც must attack attack and only attack – information agency interpressnews, available at: <https://www.interpressnews.ge/ka/article/547269-mixeil-saakashvili-mxardamcherebs-chven-unda-viqot-shetevaze-shetevaze-da-mxolod-shetevaze/>, updated: 19.05.2019.

[2] Ibid.

[3] Election day evaluation of the second round of the 2018 presidential elections, GYLA webpage, available at: <https://gyla.ge/ge/post/2018-tslis-saprezidento-archevnebis-meore-turis-kentchisyris-dghis-shefaseba#sthash.yVyBws10.eYGbo74L.dpbs>, updated: 19.05.2019.

[4] OSCE/ODIHR, Georgia, Presidential Elections – October 28 and November 28, 2018; OSCE/ODIHR Election Observation Mission, Final Report, Warsaw, 2019, February 28, page 58.

[5] Kakha Kaladze – აქაც we want to address all the coordinators with the lists at the polling stations, don't be afraid of journalists, you have the right to do this, information agency interpressnews, available at: <https://www.interpressnews.ge/ka/article/547224-kaxa-kalaze-minda-mivmarto-qvela-koordinators-vinc-siebit-dgas-ubnebze-nu-sheushindebit-zhurnalists-tkven-amis-upleba-gakvt/>, updated: 19.05.2019.

[6] presa.ge editor Giorgi Kapanadze (detention footage from Zugdidi), online publication netgazeti, source: Rustavi-2, available at: <https://www.facebook.com/netgazeti/videos/883844198636092/?v=883844198636092>

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, updated: 19.05.2019.

[7] Part 1 of the Article 41 of the Electoral Code of Georgia;

[8] Ibid, according to Article 91: limitation of the rights of the representatives of local/international observers, electoral subjects and media □ will result in the fine of relevant person, of 500 GEL;