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# Assessment of the Election Day on October 8 2016 Parliamentary Elections

GYLA observed the Election Day on October 8, 2016 in Tbilisi and 9 regions (Shida Kartli, Kvemo Kartli, Samegrelo-Zemo Svaneti, Kakheti, Mtskheta- Mtianeti, Guria, Imereti, Adjara) 61 districts with around 500 observers.

**In general, the voting process took place in a peaceful environment, however certain violations were documented in several precincts which are worth attention. Unlike the voting process, during the vote count and summarization phase, a number of serious violations, in particular violent activities mainly outside the polling stations were observed in several of cases. Cases of raiding the polling stations was also observed. These cases had an impact on election results in specific precincts and seriously harmed the overall picture of the Election Day itself.**

**GYLA continued to monitor how the process of summarizing the results in the higher election commissions took place and scrutinized the summary protocols. Based on our findings on the Election Day and follow-up activities, GYLA files complaints to upper commissions and courts and engages into electoral disputes on strategic cases.**

**We will provide information about our observations of this process soon.**

## Voting process

In general, the voters mostly had an opportunity to express free will, but attempts to exert indirect pressure on voters, which has been a problematic practice for many years, continued during this election. In particular, activists of different political parties were mobilized nearby the polling stations and were taking note of who voted and who did not. It should further be noted that mobilization of unidentified individuals were also observed nearby a number of polling stations.

## Examples of violations documented during the voting process, which deserve attention:

Physical abuse of two representatives of the United National Movement (UNM) took place nearby **Saburtalo #48 precinct**. Investigation is launched with Article 125 of the Criminal Code of Georgia, although we consider that the qualification should be changed. A special article of the Criminal Code that criminalizes physical abuse or other type of violence committed nearby polling station should be used in this case.

**Verbal abuse/harassment of GYLA monitors** (Telavi 45<sup>th</sup> precincts), **refusal to register our complaint** (Zugdidi 39<sup>th</sup> precinct).

**Alleged vote buying (GD)** (Senaki 10<sup>th</sup> precinct),

**Presence of unauthorized persons outside the polling stations** (Samgori, Nadzaladevi, Didube, Telavi and Lagodekhi precincts).

**Signing summary protocol in advance** (Didube 14<sup>th</sup> precinct),

**Unauthorized collection of voters' personal data** (Nadzaladevi 18)

**Arbitrary distribution of functions among commission members without casting of lots** (Chughureti 39)

**Control papers were not compared when opening the ballot box** (Gori #101)

precinct).

**Violations of the procedures of casting lots by commission members who were assigned by political party (UNM)** (Mtatsminda #20, #16 and #26 precincts, Chugureti #14 and #32 precincts, Didube #38, Nadzaladevi #51, Telavi #2, #1, #10, #12, #7, #4 precincts),

**Improper behavior of representatives of several observer organizations** (attempts of controlling the election commissions) (Nadzaladevi #26 and Didube #11 precincts).

### Counting and summarizing results

**Unlike the voting process, number of serious violations were observed in a number of cases during the counting process.** According to GYLA observers, acts of violence, physical and verbal abuses between supporters of political parties and activists, damaging election documentation and premises of polling stations, pressure on observers, physical abuse of two representatives of international organization observing the elections, were observed in number of precincts or adjacent territories.

CEC announced initial results only at 01:40 am, although have failed to fulfil its statutory obligation to upload immediately summary protocols on the CEC web site, after receiving them from precincts (Election Code of Georgia, Article 76.8)

Especially grave violations have been observed on **Marneuli #48** precinct, which was raided. The premises of the polling station were damaged, windows were broken with stones; several law enforcement officers were injured, including the Marneuli police chief, observers were intimidated and physically abused.

The precinct **#108** was also raided in **Zugdidi**. Safety of those inside the polling station, including GYLA's observer was at risk (she managed to leave the station only via the window). Two representatives of International Observer Mission from

Norwegian Helsinki Committee who tried to record the incident via the phone, were physically abused.

The fact of physical confrontation took place outside **Kutaisi #90 polling station**.

Media reported several times on tensions and confrontations outside several polling stations.

### **Special Polling Stations**

The process of voting that took place on special polling stations should be assessed positively. It is important to note that despite previous elections the number of special polling stations was decreased, that was conditioned by recent legislative changes that GYLA has actively advocated.

After GYLA's involvement, with direct instruction from The Minister of Corrections journalists were given right of photo-video recording inside the special polling station established in Kutaisi detention facility.

### **Activities of the Ministry of Internal Affairs of Georgia**

Several cases were observed on the Election Day when police was mobilized nearby polling stations in order to prevent risks of violations, mainly in Tbilisi and other big cities. Although considering Marneuli and Jikhashkari cases (Zugdidi DEC), it is clear that police was not present in adequate numbers where the safety of people inside and outside the polling stations was put in danger. Even police representatives were injured during the events in Marneuli. Also police failed to act appropriately when GYLA's observer was prevented from entering the polling station (Mtatsminda #24 precinct).

### **Other findings**

The elections revealed once again a number of legislative gaps that require legislative and institutional changes, including the necessity of the reform in the composition of election administrations.<sup>[1]</sup> Review and refinement of selection criteria and procedures of the members of Precinct and District election administrations; defining the term “adjacent territory to a polling station.”

## **GYLA activities**

In general, election administrations reacted to GYLA’s suggestions and concerns and addressed shortcoming and mistakes made where possible. In such cases, if the problems were redressed and the violations were not significant, GYLA observers did not file complaints.

In total, GYLA observers filed around 150 complaints and made more than 100 remarks in the record books.

After summarizing elections, GYLA will provide the full report with the full analysis of the election period and ballot day, including disputes and counting process.

## **Additional information**

Since its foundation (1994) GYLA observes the elections of the legislative, executive branches as well as the local governance elections and tries to contribute to conducting the election in the calm, fair environment and observance of the respective legislation.

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[1] That implies changing the rule of composition of Election Commissions and transform it from existing mix system (half members are appointed by the political parties and another half are selected by upper commissions according to their professional background) to general system. (The political parties do not appoint Commission members. Upper commissions according to their professional background select them.)