

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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# Election Day Observation Results by 18:00

**By 18:00, GYLA continues observation of the Election Day. By now, apart from the procedural violations, GYLA revealed the significant violations, which might contain elements of criminal law violation.**

## **Significant violations, revealed by GYLA observers:**

### **Alleged control over voters' will**

GYLA received notifications on its hotline from Tbilisi and regions of Georgia that citizens were called from the electoral headquarters of Salome Zurabishvili and were asked, whether they participated in the elections. GYLA observer called one of the numbers, indicated by a citizen, where the respondent confirmed that the number belonged to the Salome Zurabishvili headquarters. However, they did not provide information about their reasons for calling and how they obtained the numbers of voters.

Such cases create a serious doubt that there is an attempt to influence voters will, allegedly, through mobilizing them and bringing them to the elections. According to the Article 28 of the Constitution of Georgia, free expression of voters' will must be guaranteed. According to the Article 3 (clause d) of the Election Code of Georgia, vote secrecy and possibility of free expression of voters' will is one of the principles of the elections. According to the d.b. sub-clauses, any kind of influence, which might affect the free expression of voters' will and control over voters' will is prohibited.

At the same time, the Code of Good Practice in Electoral Matters - Venice Commission (2002), which described the examples of good practices of democratic elections, indicates that *voters must be protected from threats and from any limitation of their free will and expression* – regardless of who is the influencer, government or separate individuals. The government has the obligation to prevent and introduce proper sanctions against such practices.

GYLA calls upon the representatives of electoral subjects to stop the actions, which might influence/control voters' will.

At the same time, GYLA addresses the personal data protection inspector, to investigate whether the personal data of voters was collected legally, among others – collection and processing of phone numbers.

### **Alleged bribery**

- **Precinct #56, Samgori district** – coordinators are mobilized around the polling station, which allegedly mobilize voters to support Salome Zurbashvili. GYLA observers have revealed that following the voting, voters leaving the polling station first stop by the coordinators and show them mobile phones (allegedly the photo taken by the phone), after which the coordinator allegedly gave them the money. This fact has the signs of alleged vote bribery.

- **Precinct #13, Vake district** – from the morning, the Jeep care MM778GG is parked, which is visited by the voters, on their way of leaving the polling station.

- **Precinct #59, Marneuli district** – the representatives of Georgian Dream and United National Movement have physically confronted each other. They blamed each other for campaigning with voters. According to GYLA – information, two persons are detained under the Article 173 of the Administrative Offences Code, which entails disobedience to the legal request of the police. By now, the court is examining the case. At the same time, the criminal investigation is launched on the same case, under the Article 162, which covers violence or violence threat at the territory of the polling station or the place of the election commission.

- **According to information available to GYLA, unidentified individuals are standing outside the polling stations and are listing the incoming voters**

(precincts #3, 4, 8, 9, 10 of Nadzaladevi district, #14, 20, 21, 22, 34, 35, 36

of Didube district, #56 of Samgori, #14, 26, 31 of Chughureti, #9 and 10 of Isani, #81 of Saburtalo, #3, 5, 47, 55 and 50 of Ozurgeti, #8 and 18 of Chkhorotsku, #1, 2, 4, 10, 15, 20, 28 and 30 of Poti, #50, 59 and 107 of Zugdidi, #28, 40, 41, 59 and 102 of Batumi, #35 of Khelvachauri and #1 of Kobuleti).

### **Attempt of forcing the observer out of the polling station**

**At the precinct #18 of the Marneuli district**, a number of cases were revealed, when the queue regulator allows the voter to vote with expired ID card. GYLA made verbal remark to the commission chairperson and the queue regulator; however, none took into account the remark. Since this continued further, GYLA observer has lodged the complaint, requesting response from the election commission.

After GYLA observer took a video, showing the violation, the commission chairperson became irritated and told the observer to leave the polling station, due to not having a right to take a video without the chairperson's permission. The action of the precinct election commission was immediately protested in the district election commission. After the district election commission chairperson has contacted the precinct election commission, the latter has changed the mind to force the observer out of the polling station; however, requested the observer to not film anything without their permission.

According to the Election Code of Georgia, observer has a right to be present at the polling station at any time throughout the election day, to move freely at the precinct territory and freely, without any interference, to observe all the stages of electoral process from any location: including, to observe the registration in the voters' list, issuance of ballots and special envelopes and their confirmation for the casting of a ballot, to perform photo-video recording without interference including the table lists and the voting cabin. The chairperson of the precinct election commission #18 is interfering in the work of an observer, which constitutes the violation of the Article 91. GYLA lodged a complaint to the election commission on the incident.

### **Procedural violations:**

**- Precinct #14 of Batumi district** – voter refused to present the ID card, yelling

that they were local and threatening to disrupt the voting process for not being given the possibility to vote. The commission consented to allow the voter to participate, under the condition that only registrar would see their ID card. Voter did not pass the marking procedure. GYLA lodged a complaint on this incident;

- **Precinct #25, Batumi district** □ the inking checker did not work properly; following GYLA's complaint, the problem was resolved;

- **Precinct #49 of Marneuli district** – voter casted a ballot without the ID card;

- **Precinct #50, Vake district** □ the visiting voter had inking all over the hand. They explained that they ate tangerines. Voter was still allowed to participate in the elections – GYLA's observer has lodged the complaint upon the issue;

- **Precinct #49, Nadzaladevi district** □ the commisison has forced out the United National Movement representative- Natela Mishveladze and the NGO □□□□□□ A observer □ Mamuka Gugeshashvili, explaining that they caused chaos at the polling station and interfered with the work of the precinct election commissions;

- **Precinct #6, Khoni district** □ the logbook was filled up in advance □ about the identity of the ballot counters (electoral subjects);

- **Precinct #6, Samgori district** □ inking was conducted incorrectly, to which GYLA lodged the complaint;

- **Precinct #13, Vake district** □ 5 cased were revealed at the polling station, of voters being absent from the voting list □ as they mentioned, they have been voting at this polling station for years;

- **Precinct #72, Zugdidi district** □ the queue regulator has allowed the citizen to vote with the expired ID card and registrar has noticed it;

- **Precinct #5, Didube district** □ the commission has forced out the NGO □□□□□ 21 Century A observer. The observer has followed the voter into the cabin, which is the violation from the side of the observer.

**By now, GYLA observers have lodged total 87 complaints, including 47 at the precinct and 40 at the district level. GYLA also lodged 33 remarks into the logbooks.**

### **GYLA Observation Mission on the Election Day**

**GYLA ☐ 2018 Observation Mission for Presidential Elections covers Tbilisi and 9 regions of Georgia:** Imereti, Guria, Adjara, Samegrelo-Zemo Svaneti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti, Kakheti and Tbilisi **(through 400 observers).**

Static observers are present at the 250 polling stations throughout Georgia. We observe the problematic precincts and adjacent territory across 33 districts through 50 mobile groups and 59 district observers.

**Considering the nature of the observation mission, we pay special attention to the following issues:**

- The problematic precincts, where problems were revealed by GYLA observers during the previous elections and the pre-election period;
- The dense settlements of ethnic minorities and Internally Displaced Persons (IDPs) from the Occupied Territories of Georgia);
- The developments surrounding the polling stations and the activities of the law-enforcements (the implementation of the decree of the Minister of Internal Affairs (MIA));
- Inclusiveness of the electoral environment, among others for persons with a disability and ethnic minorities. We also prioritize the research of women ☐ electoral-political engagement;

**On the election day, GYLA operates a special hotline: 032 2 18 26 30**, where any citizen can receive consultations on the electoral procedures. GYLA also is consulting journalists and media organizations, regarding the electoral procedures,

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electoral violations and the methods to respond to them. They have a possibility to inform us of the revealed violations.

On the Election Day, GYLA's electoral analytical database is collecting and analyzing the information in real time, through the observers and analysts, sent to various regions of Georgia.

**GYLA will hold 1 press-conference on the election day, in the NGO Media Center (address: Shalva Dadiani #2/1) on October 28 at: 21:00. On October 29, GYLA will evaluate the Election Day through the 12:00 press conference.**

*GYLA's Observation Mission for the 2018 Presidential Elections is made possible through the funding, provided by the National Endowment for Democracy (NED), the US Agency for International Development (USAID), the British Embassy in Tbilisi and the Norwegian Embassy in Baku.*