



## Newsletter No. 1 June-July 2017

### About the GYLA's monitoring mission

Despite the fact that the election campaign has not yet officially started, due to the existing political context, **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.

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## Case of alleged political persecution

According to news reports, on July 5, 2017, the police conducted a search in the apartment of Gocha Kokaia, a majoritarian candidate of the United National Movement (UNM) in the Gldani District. Gocha Kokaia links the aforementioned to his political activity and views. Mr. Kokaia was nominated by the UNM as the majoritarian candidate in the Gldani District on June 27, 2017.

**The GYLA talked with Gocha Kokaia to verify the aforementioned. He linked the incident to his political activity and stated that he enjoyed a high approval rating and the support of the majority of voters.**

In the conversation with the GYLA's representatives, Gocha Kokaia pointed out that law enforcement officers were looking for certain documents in his apartment, although they failed to find them; the search lasted for two hours, after which the police only recovered Gocha Kokaia's mobile phone.

It became known to Mr. Kokaia that in the morning of July 5, 2017, the police had detained Tamaz Inalishvili. Tamaz Inalishvili, together with Luka Gvazava, is accused of taking a bribe with the aim of postponing the bribe giver's military service, and the investigation authorities have questions to Mr. Gvazava regarding his assistance in taking the bribe. Mr. Kokaia stated that from 2008 he had worked as the leading specialist in the Eastern Georgia Office of the Representation of the Government of the Autonomous Republic of Abkhazia; Tamaz Inalishvili also worked in the same office, and they have worked together for 15 years.

According to Mr. Kokaia, on July 5, 2017, the police interrogated the entire apparatus and the majority of the employees of the office in which he worked, with the questions mainly dealing with his activity. He says that he has committed no crime and that the accelerated investigative actions further reinforce the doubts that he might be subjected to political persecution due to his political activity.

The UNM nominated Gocha Kokaia as their majoritarian candidate in the Gldani District on June 27, 2017. As Mr. Kokaia explained to the GYLA's representatives, after being nominated as a candidate, he had constantly been under surveillance; he had noticed Skoda vehicles near his house and office on several occasions, which provided him with grounds for doubt that the said vehicles might belong to the State Security Service.

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

## Act of violence in Akhaltsikhe

According to news reports, on July 16, 2017, Beglar Kapanadze, a coordinator of the United National Movement, and his family members were subjected to an assault. According to the same reports, law enforcement agencies have instigated the case under Article 126 of the Criminal Code which imposes liability for violence.

The victims of violence accuse supporters of the Georgian Dream – Zaza Geladze, former Deputy Mayor of Akhaltsikhe and head of the Bureau of the Majoritarian MP of Akhaltsikhe, and Giorgi Londaridze, head of the Waste Disposal Service – of the attack.

Beglar Kapanadze recalled that prior to the physical confrontation, the attackers had reminded him of his work in the UNM, after which they physically abused both Beglar Kapanadze and his cousins who had arrived on the scene to help their family member. The victims explained that the incident involved about nine to 12 people. According to them, the investigation authorities have interrogated them and, also, conducted an expert examination.

According to representatives of the UNM, the party plans to nominate Beglar Kapanadze as a candidate in the village of Uraveli in the 2017 local self-government elections, which became known to the activists of the Georgian Dream, after which they assaulted him to intimidate him. The Georgian Dream also responded to the incident with a statement, calling upon law enforcement agencies to respond to the incident in a timely manner.

On July 18, representatives of the GYLA met and talked with the victims of violence; they also made phone calls to the alleged participants of the incident, Zaza Geladze and Giorgi Londaridze, though the latter refused to talk with the GYLA's representatives.

In connection with the violent incident in Akhaltsikhe, the GYLA released a statement calling upon investigative agencies to conduct a swift, objective, and full investigation of the act of violence against the UNM's representative and his family members, in order to explore the political motive of the act. The

organization also called upon political parties and their supporters to refrain from violence and confrontation, as well as from any act that could encourage violence.



It should be noted that law enforcement agencies have held five persons accountable. On August 3, 2017, the court released five persons on bail; the court imposed a bail of GEL 3,000 on four of them and a bail of GEL 5,000 on one of them.

**The GYLA has applied to the Interagency Commission regarding the said act of violence, asking it to study the case within the limits of its competence, in order to rule out any pressure and political persecution against representatives of political parties in the pre-election period.**

## Act of violence in Tbilisi

According to information provided by the UNM and, also, reported by the media, on July 18, 2017, a violent incident took place in front of the campaign headquarters of Davit Lagvilava, the UNM's majoritarian candidate, in Didi Digomi, Tbilisi. The party members believe that the said incident was designed to interfere with their pre-election campaign, to intimidate their supporters and voters, and to put pressure on people who express their clear support for the party.

Representatives of the GYLA met Davit Lagvilava, the UNM's majoritarian candidate, in person. Mr. Lagvilava explained to them that the incident might have been connected with Zaliko Udumashvili's (the UNM's candidate for mayorship) visit and meeting with the population of Didi Digomi, Saburtalo District.

The head of Davit Lagvilava's election headquarters, Zviad Kuprava, together with Lasha Khurtsilava and Badri Khidasheli, was outside the office when they were approached by two, presumably drunk, strangers.

The strangers verbally and physically abused the UNM members due to their party membership and swung a bottle at Badri Khidasheli, who was given an expert examination on the day after the incident.



The incident was later witnessed by Davit Lagvilava himself who called the patrol police. It should be noted that the attackers returned to the party's office for a second time, this time entering the building, where they were detained. However, they were released in the same evening. As far as Mr. Lagvilava knows, the investigation into the incident is underway under Article 126 of the Criminal Code. He does not know the details of the investigation, except for the fact that the investigation authorities are waiting for the results of the expert examination.

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

## Electoral dispute about registration of electoral subjects and monitoring organizations

Using the opportunity provided by the Constitution and the Election Code, representatives of local population applied to the Election Administration demanding registration in the districts created within the boundaries of the town and community of Gori in order to nominate independent candidates. The initiative groups nominated Mikheil Chitadze, director of the Gori Information Center, as the candidate for the mayorship of Gori and Tamar Tedliashvili, independent deputy of the Gori Town Council, as the candidate for the position of the Head of the Municipal Administration of the Community of Gori. In particular:



As argued by the initiative groups, in accordance with Paragraph 1 of Article 133 of the Election Code, they had the right to apply to district election commissions (DECs) with the demand of registration. They stated that the Election Code set the registration deadline for initiative groups as no later than the 57<sup>th</sup> day before the polling day, although the Code said nothing about the earliest date for registration, i.e. the day from which initiative groups could apply to DECs.

The DECs of both districts refused to register the initiative groups on the basis of the arguments that the legal act calling the elections had not been issued and the pre-election period had not started, as well as that the election (polling) day was not yet known. The initiative groups appealed the refusal of the DECs in the CEC. In their opinion, the passive suffrage was being restricted and the initiative groups were being discriminated against in comparison with political associations which the Election Administration was registering for the elections during the same period.

The CEC agreed with the position of the lower commissions and refused to grant the complaint. The initiative groups appealed these decisions in court.

It should be noted that, in addition to the initiative groups, NGOs – for example, in Ozurgeti and Mtskheta – also applied to the DECs, demanding registration as local monitoring organizations in accordance with Paragraphs 2 and 3 of Article 40 of the Election Code of Georgia. Due to the fact that the date of the elections was not known and that the relevant legal act setting the election date had not been issued by the time of the application, the DECs also refused to register the NGOs as they had done in the case of the initiative groups.

It is noteworthy that Resolution No. 987-II of the Parliament of Georgia of June 15, 2017, abolished the self-governing status of seven out of 12 self-governing towns in Georgia. The resolution will take effect on the day when the 2017 local self-government elections are called. However, before that, in accordance with Article 137 of the Election Code, the Election Administration determined the relevant electoral districts, their boundaries, names, and numbers for the 2017 local self-government elections. For example, by the decision of the Central Election Commission, the territorial jurisdiction of the District Election Commission of Gori was defined to include two electoral districts – the electoral district of the Town of Gori and that of Gori, which means that the CEC decided to create separate districts for the self-governing town and the community municipality. However, later, before the resolution's entry into force, the CEC, by its new decree, made changes to Decree No. 49/2017 on the Creation of Electoral Districts for the 2017 Local Self-Government Elections and on Determining Their Boundaries, Names, and Numbers and determined the list, numbers and boundaries of districts, creating one electoral district instead of the aforementioned two separate districts in the municipalities which had been united on the basis of the Parliament's resolution. This decision was also appealed in court.

## Electoral dispute – social advertising VS political advertising

On March 24, 2017, Rustavi 2 Broadcasting Company aired a social advertisement dedicated to the World Down Syndrome Day featuring well-known members of political association Movement for Liberty – European Georgia. The advertisement deals with the rights of citizens with the Down syndrome and the principles of equality, although one of the leaders of the political association makes a statement containing signs of political agitation: “We will do our best so that you can live freely and independently.” One more leader of the political association also says the following: “We must take steps together for European Georgia”, referring to the name of the political party.

According to the Georgian National Communications Commission (GNCC), the video contained signs of political agitation.

The GNCC refused to accept the arguments of Rustavi 2 justifying the airing of the video with the status of social advertisement and held that the video dedicated to the World Down Syndrome Day contained signs of political advertising and served to advertise the political movement.

Considering all the aforementioned, the GNCC found Rustavi 2 Broadcasting Company LLC guilty of breaking the law, though it didn't impose liability on the company.

Rustavi 2 appealed the GNCC's decision in court.

The GYLA is monitoring the ongoing court dispute and will inform the public of the court's decision as soon as it becomes available.

## Inclusive electoral environment

**With the aim of increasing women's participation in politics, the GYLA, together with its partner organizations in the framework of an initiative group, submitted 37,000 signatures necessary for submitting a legislative initiative on gender quotas to the Parliament of Georgia.**



The legislative initiative proposes making amendments to the Election Code which will oblige political parties to compile party lists for parliamentary and local self-government elections based on the principles of gender equality and to ensure that every second candidate in the party lists represents a different sex. Also, even in the case if an elected MP's powers are terminated for some reason, the MP's mandate will go to a candidate of the same sex who is next in the party list.

## Conference involving stakeholders in electoral processes with the aim of correcting shortcomings that exist in practice

The GYLA organized a conference entitled “The experience gained in the 2016 parliamentary elections and future steps for the 2017 local self-government elections”. Participants of the conference included stakeholders in electoral processes, including representatives of the Election Administration, the Ministries of Justice and of Internal Affairs, the State Audit Office, election monitoring organizations, and foreign embassies.

The conference participants discussed challenges in legislation and practice in terms of realization of electoral and political rights which were identified in the 2016 parliamentary elections as well as the ways of resolving them which will promote a competitive, fair, and inclusive electoral environment in Georgia.



The GYLA presented its findings and recommendations in five key thematic areas:

- Violations in the pre-election period, on Election Day, and in the post-election period (pre-election agitation, use of administrative resources, etc.);

- Activity of agencies involved in elections (the Election Administration, the State Audit Office, the Interagency Commission, etc.);

- Promotion of objective, fair, independent, and

effective investigations in cases when measures of criminal and administrative liability were applied against politically active persons;

- Promotion of access to a fair trial and of establishment of uniform practice;

- Promotion of inclusive and competitive electoral environment for women, persons with disabilities, and ethnic minorities.

At the end of the conference, the participants presented the key findings and unified views which will enable us to plan future steps for both improving the legislation and eliminating existing malpractices related to identified challenges, in order to create a fair, competitive, and inclusive electoral environment.



