



Georgian Young Lawyers' Association publicized the second preliminary report of the pre-election observation

Georgian Young Lawyers' Association publicized the second preliminary report of the pre-election observation. The organization observes the pre-election period through the regional offices in nine (9) regions of Georgia: Adjara, Guria, Imereti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Kakheti, Mtskheta-Mtianeti, Samegrelo and in Tbilisi. The present report covers the period from May 1 to June 10.

The research has revealed the following issues:

As the elections have approached, the pre-election environment has become more strained. Electoral violations, such as alleged pressure on the candidates, attacking the persons, engaged in the political processes, interference in the pre-election campaign and physical confrontation have become more frequent. Such facts have damaged the pre-election environment and endangered the possibility of conducting the electoral campaigns in a free and competitive environment.

Within the reporting period the following cases were revealed: attack (2 cases), physical confrontation and violence (4 cases), interference in the pre-election campaign (9 cases), use of the administrative resources (2 cases), alleged fact of violating campaigning rules (1 case), work dismissals (2 cases), violating the rules of placing political advertisement (1 case).

Although the Government stated that ensuring free and non-violent pre-election environment was its primary goal, it was unable to properly prevent the violent actions and confrontation in the pre-election period. Despite the efforts of the Inter-

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Agency Task Force (IATF) to prevent the pre-election violations, in a number of cases, the recommendations of the IATF were gravely violated, which made operation of the IATF ineffective.

Within the reporting period the information was spread on a number of times, according to which the candidates of the various oppositional parties/electoral blocs have refused to participate in the elections, allegedly, due to the pressure and have de-registered their own candidacies. This information was provided to the NGOs by the political parties. According to the information of GYLA and partner organizations, as of June 2, in fifteen (15) districts of nine (9) regions, up to 50 candidates of six (6) parties de-registered themselves, allegedly, due to the pressure. In majority of cases, the affected did not specify who exactly pressured them. According to parties or candidates themselves, they were being called and threatened; there were threats of dismissing the relatives or “creating problems”, they were also told to “provide the requested” through the acquaintances. Simultaneously, there were quite many facts of de-registering one’s electoral candidacies throughout the country (527 cases). The above, of course, does not mean that in all of the cases the candidates de-registered themselves due to the pressure.

We consider that the response of the relevant state bodies to the alleged facts of pressure on the candidates is not enough and is ineffective. The Ministry of the Internal Affairs of Georgia denied the facts of pressure on the electoral candidates and possible involvement of the police without any investigation. According to the information of the Prosecutor, out of the 61 alleged cases of pressure, the investigation was initiated in relation to only four (4). In this context, instead of unconditional condemnation of the violence and pressure and instead of stressing on the importance of the effective investigation, the Prime Minister of Georgia issued inadequate statement saying that the “Georgian Dream” will not allow any other political force to win in any of the regions or cities.

The “Georgian Dream” publicized the initiative and called upon the CEC to undertake proper measures to ensure that in the case of refusal of party candidates to participate in the elections, the entire list of a party will not be subsequently de-registered. According to the information available to us, the draft Resolution of the CEC on this issue was already prepared and it was planned to enact it on the next day, which became known to the “Georgian Dream” that presented the adoption of

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the Resolution as its own initiative.

We consider that the CEC Resolution, which has defined the cases in which a party list would be invalidated due to falling short of the minimum number of candidates prescribed under the Election Code, positively affected the pre-election environment. The Resolution helped all of those parties, which, due to the de-registration of their candidates, were facing the danger of invalidation of the electoral party lists. However, in its Resolution, the CEC exceeded the competences, because it has established a rule that is different from the rules prescribed under the Election Code.

Within the pre-election period, the regulation under the Article 167 of the Election Code, which prescribes the requirement of the permanent residence for the two (2) years (relates to Gamgebeli and Mayoral candidates) and its ambiguousness were interpreted by the CEC against the oppositional party candidates and in favor of the ruling political union. We consider that while making the decision, the electoral administration was biased and inconsistent. Regardless of a political union under the consideration, the CEC should have acted under the same standard. This fact adversely affects the CEC reputation and its positive initiatives.

GYLA positively evaluates the initiative of the Ministry of the Self-Defense of Georgia, according to which, in majority of cases, military servants will vote according to their place of residence. Such an initiative is positive and differs from the prior practice in which the military servants voted according to the place of military dislocation.

In the pre-election period the shortcoming was revealed in the electoral legislation. Specifically, according to the present legislation, the incumbent Gamgebelis/Mayors that participate in the local self-government elections do not have an obligation to step down from their positions and thus, they combine the activities under the Mayoral/Gamgebeli post and the pre-election campaign. We consider that in this case, the existing legislative shortcoming caused the problem of separating the state and party resources and erased the borders among the party and state activities.

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The facts of initiating the social benefit projects continued throughout the reporting period. The beginning of these projects coincides with the pre-election period. Although the legislation was not violated under those initiatives, they included the risks of abuse of the administrative resources.

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- 1) GYLA started the 2014 local self-government pre-election period monitoring on April 1. GYLA publicized its first preliminary report on May 20, 2014. <http://gyla.ge/uploads/2014.pdf>
 - 2) <http://gyla.ge/eng/news?info=2139>
 - 3) 361 candidates nominated under majoritarian, 161 – under proportional, and 5 Mayoral/Gamgebeli candidates. Out of majoritarian candidates, 117 political party candidates and 244 candidates that were nominated by the initiative groups refused to participate in the elections. CEC letter to GYLA N03-02/1092. June 4, 2014.
 - 4) <http://police.ge/en/shinagan-saqmeta-saministros-gantskhadeba/6671>
 - 5) Charges of coercion, which is punishable with the fine or correction works up to one (1) year or up to one (1) year of imprisonment.
 - 6) <http://gyla.ge/eng/news?info=2138>
 - 7) <http://newspost.ge/145340-qartuli-ocnebis-mimartva-ceskos#.U47VSHKSyRQ>
 - 8) Central Election Commission (CEC) Resolution #31/2014; June 3, 2014.
https://matsne.gov.ge/index.php?option=com_idmssearch&view=docView&id=2362713&lang=ge
 - 9) Batumi Mayor, Gamgebelis of Gurjaani and Tskaltubo, deputy Gamgebeli of Chokhatauri and others.
 - 10) The document received within the Organization for Security and Co-operation in Europe (OSCE).