

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Deems the Use of Websites of Local Self-Governments for Party Purposes Unacceptable

Georgian Young Lawyers' Association (GYLA) responds to websites of local self-governments reporting about activities of the United National Movement, which has recently become an alarming trend. It clearly indicates absence of a boundary between a party and the state at the municipal level, where the principle of non-partisan nature of public service is disregarded.

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According to the information researched by us, websites of self-governments are actively covering party activities related to presentation of candidates by the UNM for the upcoming 2012 parliamentary elections as well as agitation meetings where slogans against opponents are featured abundantly. Frequently, in addition to corresponding information websites also feature photos of the ruling party's majoritarian candidates. In certain cases, the election number 5, election program, and photo materials with candidate's name and election banners are posted on the website. Further, in individual cases, agitation against main opposition unions is waged by means of websites of self-governments. We identified total of 14 websites, where materials posted are in conflict with the election legislation. It is noteworthy that websites of municipal self-governments are agitating in favor of the ruling party only, without mentioning opposition parties in positive context.

Below are some obvious examples of the said practice:

- [Information posted on the website of Samtredia Municipality](#) features abundant photos of party events, where majoritarian candidate of the UNM, Merab Janelidze and the election banner of the UNM can clearly be seen. The banner summarizes the election program and features a candidate's image with the election number "5". The press-release refers to the candidate as a person "very well known for dwellers of Samtredia";
- [Website of Zugdidi Municipality](#) features information about presentation of candidate of a ruling party. The press release uses a positive tone to describe the agitation meeting. Specifically, it says that

"Speaker of the Georgian Parliament stated before the population that Roland Akhalaia is the person who devotedly serving his country, and all positive changes that have occurred in Georgia recently are related to his name.

The UNM's candidate for the position of majoritarian MP of Zugdidi also made a statement in Narazerni before the local population and thanked them for their appreciation. According to Roland Akhalaia, the phrase "there is still more to be done" will always be valid. As to the government's program More Benefit to the People, according to Roland Akhalaia, if elected he will try his best to make sure that the program reaches every single family. The population of Nazareni was satisfied with the meeting and naming of the candidate for the position of majoritarian MP of

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Zugdidi. According to them, ideology of the National Movement is absolutely acceptable and agreeable”.

- [Title of the piece posted on Bolnisi Municipality's website](#) is enough to know that the information published is valuable only for promotion of party activities. According to the tile, “candidate for the position of majoritarian MP, Koba Nakopia met with representatives of the youth organization of the United National Movement in Bolnisi”.

- [Multiple pieces of information published on the website of Akhmeta Municipality](#), is used to openly agitate against the coalition Georgian Dream and express political sympathy towards the UNM. Titles of press-releases published on the website of Akhmeta Municipality are as follows:

- Provocation of Dreamers
- The National Movement’s majoritarian candidate for the position of MP for Akhmeta Municipality continues his meetings with the population
- Briefing planned by the Georgian Dream in Akhmeta aimed ad misleading the public
- Georgian Dream’s soviet nostalgia
- Head of the political union Georgian Dream’s office in Akhmeta, Temur Goderdzishvili does not remember Russian aggression
- Local population who had arrived at the meeting did not hide their interest in the Georgian Dream’s money
- Most of the population surveyed still expresses their confidence in Petre Tsiskarishvili.
- Majority of Ozhio’s population believes that Temur Goderdzishvili joining the Georgian Dream is related to his business interests
- Who is the head of the Georgian Dream’s office in Akhmeta?!

Legal Assessment

Article 48 of the Georgian Election Code prohibits use of means of communication and information service of local self-government agencies in favor of or against an election

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subject. Article 49 of the Election Code prohibits pre-election agitation while performing official functions. Therefore, we believe that the responsible officials of the municipalities below violate these requirements of the Election Code, which is punishable by fine in the amount of GEL 2000 as administrative liability. Further, it is expedient to impose disciplinary responsibility on persons involved for their failure to duly perform their official duties and for behaving in a way that discredits the agency. GYLA believes that for publication of materials with clear agitation content on the website of Akhmeta Municipality a number of times, Gamgebeli of the municipality must be held liable.

GYLA applies to the CEC, requesting immediate probe into the case and drawing up of records of violation against persons involved. We also call upon the Inter Agency Commission for Free and Fair Elections to comprehensively examine websites of state agencies, effectively supervise compliance of public servants with election legislation and take measures envisaged by law.

Enclosure

Below is the list of municipalities, whose websites featured material containing pre-election agitation, as found by GYLA. The list includes links to the press-releases/news, date, title and in some cases short excerpts from materials published (marked by symbols / /).

1. [Regional Administration of Samegrelo-Zemo Svaneti](#) - 1. Davit Bakradze presented the UNM's candidate for the position of majoritarian MP in Senaki (August 29, 2012);
2. The president of Georgia met with local population Chkhorotsku and made a speech" /excerpt: today the arena has been taken by people funded with the money from our adversary. They have a long list of what needs to be destroyed, a long list of building of what they want to obstruct... We are optimists and we are going to win./ (August 4, 2012);
3. The President of Georgia visited Svaneti /excerpt: there are various political forces in Georgia who have a lot of money and in addition to having a long list of what needs to be destroyed they also have a list of what not to build./ (August 3, 2012);

2. Senaki Municipality Gamgeoba - [Davit Bakradze presented the United National Movement's candidate for the position of MP for Senaki](#) (August 29, 2012);

3. Tsalenjikha Municipality - [Davit Bakradze presented the United National Movement's candidate for the position of MP in Tsalenjikha](#)

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(August 23, 2012);

4. Martvili Municipality – [Presenting the United National Movement's candidate for the position of majoritarian MP of Martvili District](#) (August 21, 2012);

5. Zugdidi Municipality – [Presenting the United National Movement's candidate for the position of majoritarian MP of Zugdidi](#) (August 21, 2012);

6. Mestia Municipality – [Speaker of the Parliament Davit Bakradze visited Mestia Municipality Today](#) /excerpt: speaker of the parliament Davit Bakradze presented the UNM's candidate for the position of majoritarian MP of Mestia, Kandid Kvitsiani./ (August 23, 2012);

7. Lanchkhuti Municipality – [Davit Bakradze in Lanchkhuti](#) /excerpt: at the meeting Davit Bakradze presented the UNM's candidate for the position of majoritarian MP, Gangebeli of the municipality Giorgi Gogvadze, whom he gave the assignment to visit each street, village, family, in order to know what needs to be done, and to gradually solve all the problems that affect the population./ (August 22, 2012);

8. Samtredia Municipality – [President in Samtredia](#) /excerpt: after presenting Merab Janelidze, a person who dwellers of Samtredia know very well, as a candidate for the position of majoritarian MP, Mikheil Saakashvili also touched upon other important issues./;

9. [Akhalkalaki Municipality](#) - /excerpt: On August 15, speaker of the Georgian parliament Davit Bakradze officially presented candidate of the UNM for the position of majoritarian MP, former chief of Akhalkalaki police Samvel Petrosyan (August 16, 2012);

10. Dusheti Municipality - [Presenting candidate for the position of majoritarian MP](#) /excerpt: speaker of the Georgian parliament Davit Bakradze presented candidates for the position of majoritarian MP for Mtskheta-Mtianeti Region on August 18 (August 21, 2012);

11. Kaspi Municipality – [Candidate for the position of majoritarian MP](#) /excerpt: the speaker of the parliament noted that that many things need to be done yet and what has been started needs to be finished. Therefore, Kakhaber Khachirashvili will make sure that planned works are finished/ (August 20, 2012);

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12. Dmanisi Municipality – [speaker of the Georgian Parliament Davit Bakradze paid an official visit to Dmanisi.](#) /excerpt: the speaker of the parliament presented the UNM's candidate for the position of majoritarian MP, Kakhaber Okriashvili, for the 2012 parliamentary elections (August 2, 2012);

13. Bolnisi Municipality – Koba Nakobia, [candidate of the UNM for the position of majoritarian MP met with representatives of the youth organization in Bolnisi.](#) (August 20, 2012);

14. [Akhmeta Municipality](#) – 1. Provocation of the dreamers (August 1, 2012); 2. Candidate of the UNM for the position of Akhmeta majoritarian MP continues meeting with population (August 30, 2012); 3. The Georgian Dream's briefing in Akhmeta aimed at misleading the public (August 25, 2012); 4. The Georgian Dream's soviet nostalgia (August 21, 2012); 5. - Head of the political union Georgian Dream's office in Akhmeta, Temur Goderdzishvili does not remember Russian aggression (August 18, 2012); 6. Local population who had arrived at the meeting did not hide their interest in the Georgian Dream's money (August 17, 2012); 7. Most of the population surveyed still expresses their confidence in Petre Tsiskarishvili (August 14, 2012); 8. Petre Tsiskarishvili is again the candidate of the UNM for the position of Akhmeta majoritarian MP (August 3, 2012); 9. Majority of Ozhio's population believes that Temur Goderdzishvili joining the Georgian Dream is related to his business interests (August 1, 2012); 10. Who is the head of the Georgian Dream's office in Akhmeta?! (July 31, 2012); 11. What Teimuraz Goderdzishvili is going to say to the voters who elected them when he was a candidate of the UNM and declared their trust to him (July 25, 2012).