



Observer organizations call upon law enforcement agencies to take an interest in the actions of the District Election Commission of Tianeti and Precinct Election Commission no. 20 of the same district

We, observer organizations, call upon law enforcement agencies to take an interest in the actions of the District Election Commission (DEC) of Tianeti and Precinct Election Commission (PEC) no. 20 of the same district.

After the court has invalidated two decrees of the DEC of Tianeti, the investigation authorities should study the lawfulness of the actions of members of the commissions and establish whether they have committed an offense.

On October 27, 2017, the Tbilisi Court of Appeals upheld a decision of the District Court of Mtskheta which had invalidated decrees no. 16 and no. 17 of DEC no. 19 of Tianeti.

The court held that by issuing the decrees the DEC of Tianeti had violated the requirements of both the General Administrative Code and the Election Code ***with regard to thorough investigation of all circumstances of importance for the case at the time of submission of applications/complaints and issuance of acts***. By the aforementioned decrees, the DEC of Tianeti had decided to open the packages received from PEC no. 20 and recount invalid ballot papers, in one case, and to modify the figures of the summary protocol of PEC no. 20, in another case, which [changed the polling results for the benefit of the governmental candidate](#).

In addition to the aforementioned, the court held that (see the protocol of the court session and the court [] decision) the polling day log-book of PEC no. 20 does not contain information on concrete violations or a dissenting opinion about the invalid ballot papers. Moreover, ***the testimonies of witnesses given at the court session said that the PEC had made a unanimous decision about the invalid ballot papers and that in some of the 24 ballot papers which had been found to be invalid no candidate had been circled, whereas the recount of the ballot papers in the DEC showed that 5 of the 24 ballot papers had presumably been modified, as the will of the voter was clear in all the 5 of them.***

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



As for **participation of representatives of electoral subjects** in the process of recounting the ballot papers, **it should be noted that they were not invited to attend this procedure**. In addition, **a member of the DEC was not allowed to attend the session** for a certain period of time, because police were mobilized in the area adjacent to the PEC and didn't allow anyone to enter the PEC building. A representative of Tamaz Mechiauri stated that **she had not been shown the envelope of invalid ballot papers as required by the rules and expressed doubt that it was not properly sealed.**"

We believe that the aforementioned incident presumably contains signs of both disciplinary misconduct and criminal offense.

In view of all the aforementioned, we call upon the Central Election Commission and law enforcement agencies to study the aforementioned incident and to take relevant decisions within their competence.

1. *Georgian Young Lawyers' Association (GYLA)*
2. *Transparency International Georgia (TI Georgia)*
3. *International Society for Fair Elections and Democracy (ISFED)*