



MONITORING 2020 PARLIAMENTARY ELECTIONS IN THE REGIONS OF GEORGIA

ADJARA, IMERETI,
SAMTSKHE-JAVAKHETI



2020

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REGIONS OF GEORGIA**

(ADJARA, IMERETI AND SAMTSKHE-JAVAKHETI)



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HUMAN RIGHTS CENTER**

AUTHOR: NINO TSAGAREISHVILI
EDITOR: ALEKO TSKITISHVILI
PARTICIPATED IN THE MONITORING:
ANA CHAPIDZE
RUSUDAN SAKHECHIDZE
GIORGI BERIDZE

ON THE REPORT COVER:
PHOTO TAKEN BY THE MEDIA OBSERVER OF HUMANRIGHTS.GE
AKAKI GURGENIDZE

ENGLISH TEXT EDITOR: NICK JASHI

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Address:

Akaki Gakhokidze Str. 11a, 3rd Floor, 0160 Tbilisi

Tel: (+995 32) 237 69 50, (+995 32) 238 46 48

Fax: (+995 32) 238 46 48 Email: hridc@hridc.org

Website: <http://www.humanrights.ge>; <http://www.hridc.org>



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KEY FINDINGS

This report reviews the pre-election environment of the 2020 Parliamentary Elections and the findings of the monitoring of the Election Day in the regions of Adjara, Imereti and Samtskhe-Javakheti.

During the pre-election period, there were frequent cases of misuse of administrative resources for the election purposes observed in Adjara. The majoritarian candidates of the ruling party distributed the social aid in the form of food packages to socially vulnerable groups purchased with the funds allocated from the reserve fund of the Government of Adjara. Such activities do not fall within the scope of competence of the majoritarian candidates raising doubts that the real purpose of their participation in the humanitarian acts was to gain the support of the population in favor of the ruling political party.

Some other instances of misuse of administrative resources for the elections purposes stemmed from frequent visits of the majoritarian candidates along with the leaders of the ruling parties to the sites of infrastructural projects and making a show of the visits. It must be emphasized that in some instances, the candidates did not have any relation to the ongoing infrastructural projects. Therefore, it is evident that the real purpose of such collective visits and of disseminating the information on the visits was to gain acceptance and support from the population in favor of the majoritarian MP candidates.

There were frequent violent incidents in Samtskhe-Javakheti region. In some cases, the law enforcement bodies inadequately reacted to those facts and did not make the offenders liable. For example, the action of the majoritarian candidate from Akhalkalaki-Ninotsminda constituency, EnzelMkoyan constituted elements of the offense of hooliganism. Although the photo and video footage disseminated by the media clearly indicated that EnzelMkoyan had committed an act bearing elements of hooliganism, no criminal proceedings were instituted against him.

During summer months, in Imereti region, namely in Kutaisi, shortly before the elections, large-scale construction projects of public gardens has started. Total costs of the construction of 8 public gardens exceeded GEL 1 million. The public

gardens were opened with participation of the majoritarian candidates of the ruling party to the city council. Launching such large-scaled infrastructure projects shortly before the elections with ruling party majoritarian candidates to the city council participating in the ceremonies raises doubts that the events were aimed at gaining acceptance and support from the public for the upcoming elections.

On the election day, particular problems stemmed from availability of the coordinators and electioneers of the ruling party interrupting and registering the voters near the polling stations thus influencing the free will of the voters and interfering with a free and fair environment of the elections. Similar practice was observed throughout Georgia.

No significant violations were observed during the polling process. However, large number of imbalanced summary protocols were identified throughout Georgia. Unprecedented number of summary protocols were amended for 2020 Parliamentary Elections¹. This in turn reveals significant problems in terms of qualification and trainings of the commission members.

PRE-ELECTION ENVIRONMENT (MAY 15 – SEPTEMBER 1)

➤ Adjara region

Signs of the Use of Financial Administrative Resources for Electoral purposes

In connection with the crisis caused by the new coronavirus pandemic, at the end of March, the local government purchased products in the amount of GEL 367,332 from the Reserve Fund of the 2020 Budget of the Autonomous Republic of Adjara, managed by the Chairperson of the Government of Adjara, to be handed over to socially vulnerable groups registered on the territory of Adjara². In April 2020, in connection with the pandemic, changes were made to the 2020 Budget of Adjara, *inter alia* reducing funding for the Ministry of Finance and Economy of Adjara and the Ministry of Education, Culture and Sports of Adjara. The amount of the

¹ Statistical information of the Central Election Commission regarding amendment protocols and explanatory notes: <https://cesko.ge/geo/list/show/123377-statistikuri-informatsia-shestsorebis-oqmebisa-da-akhsnaganmartebibis-shesakheb?fbclid=IwAR1Pr86dWFtEGFCnhCjmnJ82Al6dF-LjvGj-O94fKBLmdqHO3htKLy4oQmo>;

² Article: *Who will receive a food basket in Adjara*: <https://batumelebi.netgazeti.ge/news/273058/>

Reserve Fund has increased by GEL 3.8 million and amounted to GEL 6.8 million³. Assistance to citizens with food items continued from the Reserve Fund which was increased by the special budget⁴.

The objective for allocating funds from the Reserve Fund of 2020 Budget of the Autonomous Republic of Adjara to purchase products for the socially vulnerable groups was to assist specific socially vulnerable target groups in dealing with household problems on the background of the pandemic⁵. Therefore, allocating funds for the mentioned social allowances in a given period of time is not problematic. However, it is problematic that the process of handing over food items to the population directly involved majoritarian MPs from the ruling party, whose mandate do not include such activities. In particular, the following persons were directly involved in the process of distributing food items to the population: Kobuleti Majoritarian MP, Koba Nakaidze, Batumi Majoritarian MP, Pati Khalvashi and Khulo, Keda and Shuakhevi Majoritarian MP, Anzor Bolkvadze. On the official Facebook pages of the mentioned deputies⁶⁻⁷⁻⁸, the information on the distribution of food items to the population was published. The photos presented in the public posts show their involvement in this process and indicate the implementation of social aid at the initiative of the Government of Adjara.

The purchase of food items was carried out in accordance with the law and within the amount allocated from the Reserve Fund of the Autonomous Republic

³ Article: *Funding of the Ministries of Education and Finance is reduced by 19 million: Emergency Budget of Adjara*: <https://batumelebi.netgazeti.ge/news/273064/>

⁴ Article: *Who will receive a food basket in Adjara*: <https://batumelebi.netgazeti.ge/news/273058/>

⁵ Article: *The Process of handing over Products to 7000 families in Adjara has started*: <http://adjara.gov.ge/description.aspx?gtid=911591#.X29qgZNKi1g>

⁶ With the initiative and support of the Government of the Autonomous Republic of Adjara, the second stage of social assistance and delivery of food packages to vulnerable groups in Kobuleti Municipality is underway:

<https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FGDKobaNakaidze%2Fposts%2F1597306303750682&width=500>

⁷ Following the decision of the Government of Adjara, food baskets will be given to 7000 beneficiaries in Adjara": <https://www.facebook.com/GDAnzorBolkvadze/posts/2607275686066801>

⁸ „With the initiative and support of Tornike Rizhvadze, the Chairperson of the Government of the Autonomous Republic of Adjara, the second stage of social assistance and delivery of food packages to vulnerable groups in Kobuleti Municipality is underway.

<https://www.facebook.com/GDPatiKhalvashi/posts/1942989646000651>

of Adjara. The money from the reserve fund was disposed by the Chairperson of the Government of Adjara on the basis of the authority granted by the law. The transfer of food items to the population was the duty of the representatives of the local government agencies of Adjara. Shortly before the elections, the organized involvement of the ruling party's majoritarian MPs in the process of distributing social aid – food items - to the population, who are not authorized to perform such activities by law, provides some grounds for a reasonable suspicion that such activities serve the purpose of appeasing the voters and gaining their support for the upcoming Parliamentary Elections.

There is no precise definition in the international or Georgian law as to what constitutes the use of financial administrative resources for electoral purposes. In accordance with the definition developed by *Transparency International* based on the general principles of various international instruments, the use of financial administrative resources for electoral purposes would be "*using the financial resources of the central and local government to support the election activities of any party or candidate.*"⁹ Involvement of the ruling party's majoritarian MPs in the process of distributing social assistance to the population shortly before the Parliamentary Elections carries the signs of the use of financial administrative resources for the election purposes, as provided for by the definition.

According to the 1990 OSCE Copenhagen Document, which sets out the OSCE basic principles for democratic elections, the rule of law and the protection of fundamental human rights and freedoms, there must be a clear boundaries between the State and the ruling party¹⁰.

The distribution of social allowances to the population comes under the powers of the executive authorities. The organized involvement of the ruling party's majoritarian MPs in this process, whose mandate do not cover such activities, allegedly intended to present social aid to the targeted population as an

⁹p. 7, *Using Administrative Resources for the 2018 Presidential Elections in Georgia*, Transparency International - Georgia:

https://transparency.ge/sites/default/files/administraciuli_resursebis_gamoqeneba_2018_clis_sakartvelos_sa_prezidento_archevnebisvis.pdf

¹⁰ OSCE Copenhagen Document, paragraph 5.4; <https://www.osce.org/files/f/documents/9/c/14304.pdf>

assistance coming from the ruling party in order to appease voters in the upcoming elections. This contradicts the principle of drawing a sharp line between the state and the ruling party.

In accordance with article 25² of the Organic Law of Georgia on Political Associations of Citizens, the party shall be prohibited from directly or indirectly transferring tangible assets to the citizens of Georgia. The above cases contain signs of such an action prohibited by the law.

In Adjara region, the frequent cases of misuse of administrative resources were observed before the election period was officially announced – several days before September 1.

On August 29, the Prime Minister of Georgia, Giorgi Gakharia, Secretary General of *Georgian Dream* and the Tbilisi Mayor, Kakha Kaladze and the Government Chairperson of the Government of the Autonomous Republic of Adjara, Tornike Rizhvadze, together with the majoritarian MP candidate for the Batumi constituency Resan Kontselidze and the candidate for the Supreme Council of the Adjara Autonomous Republic Tite Aroshadze visited the construction site of *Town of Education and Science* in Batumi¹¹. On August 30, the same leaders of the ruling party, together with the majoritarian MP candidate Anzor Bolkvadze for the Khulo, Shuakhevi, Keda and Khelvachauri constituency visited the ongoing construction of the Khulo-Zarzma road¹². On August 31, the government leaders visited the rehabilitation works of Petra Castle in Tsikhisdziri together with majoritarian candidate for the Kobuleti constituency Zaal Mikeladze and the candidate to the Supreme Council of the Adjara Autonomous Republic,

¹¹ Article: *Georgian Dream Leaders were introduced to the process of the constructing of Town of Education and Science in Batumi* <https://www.interpressnews.ge/ka/article/615640-kartuli-ocnebis-liderebi-batumshi-ganatlebisa-da-mecnierebis-kalakis-msheneblobis-process-gaecnen/>

¹² Article: *Georgian Dream Leaders visited the Construction Site of Khulo-Zarzma Road* <https://www.interpressnews.ge/ka/article/615700-kartuli-ocnebis-liderebma-xulo-zarzmis-gzis-samsheneblo-samushaebi-daatvalieres/>

TsotneAnanidze¹³. These collective visits were organized publicly, went public and were covered by various media sources.

The construction of *Town of Education and Science*, that of Khulo-Zarzma road and rehabilitation works of Petra Castle are carried out within the projects funded by the State funds. Respectively, the projects are administrative resources of the State. The state-political officials, like the Prime Minister, Tbilisi Mayor and the Chairperson of the Government of the Adjara Autonomous Republic are not restricted to carry out pre-election campaigning. However, the problem is that the administrative resources i.e. certain projects financed by the State funds were used for the campaigning.

ResanKontselidze, majoritarian candidate for Batumi constituency was a deputy director of the Adjara police department under the Ministry of Internal Affairs of Georgia from 2016 to August 2020. ZaalMikeladze was the Minister of Healthcare of Adjara Autonomous Republic since 2016. During the visits to the abovementioned projects, they were publicly nominated as the majoritarian candidates from *Georgian Dream*¹⁴. Their past and current occupations are not related to the abovementioned infrastructural projects. So, there is well-grounded assumption that their participation in those events and the promotion of the projects together with the government leaders aimed to win acceptance and support from the population for the upcoming elections.

Various documents elaborated by the inter-governmental and international nongovernmental organizations determine the main principles of democratic, fair and free elections. The misuse of administrative resources is the case where tangible or intangible and financial resources of the State are used in favor of any political party or candidate supporting their election activities¹⁵. In the above cases, the ongoing projects funded from the State budget: construction of *Town of*

¹³ Article: *Georgian Dream Leaders visited the Rehabilitation Works in Petra Castle*<https://imedinews.ge/ge/regioni/160222/qartuli-otsnebis-liderebma-petras-tsikhis-sareabilitatsio-samushaoebi-daavalieres>

¹⁴ Article: *Who Is Who – Majoritarian Candidates of Georgian Dream: Newcomers*:<https://bit.ly/3meV35r>

¹⁵ Article: *Misuse of Administrative Resources in Georgia during 2018 Presidential Elections*:<https://transparency.ge/ge/post/administraciuli-resursebis-gamoqneba-2018-clis-sakartvelos-saprezidento-archevnebisvis-0> ;

Education and Science, construction of the Khulo-Zarzma road and rehabilitation of Petra Castle including both tangible and intangible resources of the State, were used in support of electing the majoritarian candidates from the ruling party *Georgian Dream*. Thus, a misuse of administrative resources for the purpose of elections was evident.

The Prime Minister and Tbilisi Mayor, together with the majoritarian candidates visited the sites of infrastructural projects in different regions throughout Georgia. On September 3, they visited the ongoing and recently finished infrastructural projects in Kaspi and Khashuri municipalities of Shida Kartli region together with the majoritarian candidates from the ruling party¹⁶⁻¹⁷⁻¹⁸. Similar visits took place in Kvemo Kartli region as well¹⁹⁻²⁰⁻²¹. Organized and large scale character of such visits during the pre-election period with leaders of the ruling party participating in them reveals that the visits were coordinated by the ruling political party.

Georgian legislation offers narrow definition of the misuse of administrative resources for the election purposes. Some activities, which may be viewed as the misuse of the administrative resources for the purpose of the elections and contradict the international standards, are beyond the scope of regulation of

¹⁶ Article: *Georgian Dream Leaders Visited the Recently Constructed Vocational College and Innovation Center in Kaspi*

<https://www.interpressnews.ge/ka/article/616402-kartuli-ocnebis-liderebma-kaspis-axlad-ashenebuli-propesiuli-koleji-da-inovaciebis-centris-samsheneblo-samushaoebi-daatvalieres/> ;

¹⁷ Article: *Georgian Dream Leaders Visited the Kaspi Football Central Stadium and the Football School*: <https://www.interpressnews.ge/ka/article/616413-kartuli-ocnebis-liderebma-kaspis-pexburtis-centraluri-stadioni-da-sapexburto-skola-daatvalieres/> ;

¹⁸ Article: *Georgian Dream Leaders visited the ongoing Construction of the Vocational College and Monastic and Educational Center in Khashuri which Similar to Bana Abbey Area*:

<https://www.interpressnews.ge/ka/article/616454-kartuli-ocnebis-liderebi-xashurshi-propesiuli-sascavleblisa-da-banas-samonastro-kompleksis-analogiuri-samonastro-saganmanatleblo-centris-msheneblobas-gaecnen/>;

¹⁹ Article: *Georgian Dream Leaders visit newly built Public School in Sagrasheni Village*:

<https://imedinews.ge/ge/regioni/159135/qartuli-otsnebis-liderebma-sopel-sagrashenis-akhlad-ashenebuli-sajaro-skola-daatvalieres>

²⁰ Article: *The Leaders of Georgian Dream were introduced to the Process of Construction of a Vocational College in Marneuli*: <https://www.interpressnews.ge/ka/article/614693-kartuli-ocnebis-liderebi-marneulshi-propesiuli-sascavleblis-msheneblobis-process-gaecnen/>

²¹ Article: *Georgian Dream Leaders visited the Rehabilitation Works in Petra*

Castle <https://www.interpressnews.ge/ka/article/614710-kartuli-ocnebis-liderebma-gardabnis-parkis-sareabilitacio-samushaoebi-daatvalieres/>

Georgian laws. The above facts of collective visits to the ongoing State funded infrastructural projects along with the majoritarian candidates and making a show of the visits constitute such cases.

The state funded projects do not belong to the ruling party. Consequently, the ruling party may not use the projects for narrow party interests. It contradicts the principle of setting clear boundaries between the State and the ruling party as affirmed by the 1990 OSCE Copenhagen Document.

➤ **Imereti region**

Signs of initiatives motivated by pre-election campaigning

Shortly before the 2020 Parliamentary Elections, in the summer months, large-scale work on arranging public gardens was carried out with the funds from the budget of Kutaisi Municipality, which contains signs of a pre-election motivated initiative.

In January 2020, Kutaisi Municipality announced a public tender for the arrangement of 8 public gardens. The cost of arranging 8 public gardens, in total, exceeds GEL 1 million²². The construction of the public gardens in Kutaisi started shortly before the elections, in May 2020, and was intensively going on during the summer months, before the start of the official pre-election period. In some of the instances, the works were over and the public gardens were opened with participation of the representatives of local governments and with participation of majoritarian members of Kutaisi Municipal City Council (Sakrebulo) from Georgian Dream.

In July 2020, a new public garden was opened in Kutaisi, in the settlement of the automobile factory. The local budget spent GEL 277,700 on the construction of the mentioned public garden²³. Representatives of the Mayor's Office of Kutaisi Municipality and a majoritarian member of Sakrebulo from *Georgian Dream*

²² Article: *Ten Public Gardens will be arranged in Kutaisi this year* : <http://kutaisi.gov.ge/ge/kutaisshi-mimdinare-cels-10-skveri-moecqoba>

²³Article: *A new Public Garden was opened in Kutaisi, in the Settlement of Automobile Factory*:<http://kutaisi.gov.ge/ge/kutaisshi-avtokarxnis-dasaxlebashiaxali-skveri-gaixsna>

attended the ceremony of opening the public garden²⁴. In August 2020, a new public garden was opened on Nicaea Street in Kutaisi, for the construction of which GEL 134,496 was spent²⁵. The opening ceremony of the public garden was also attended by a majoritarian member to City Council from *Georgian Dream*²⁶. Within the public tender, the rehabilitation of the public garden near N8 dead end of Rustaveli Avenue was also underway, the cost of which was GEL 117,804²⁷. Within the public tender, the arrangement of a public garden near N52 Chavchavadze Avenue was also carried out, the cost of which is GEL 84,976²⁸. With the public tender, the rehabilitation works of the public garden on Kostava Street were also carried out²⁹.

The arrangement of public gardens was carried out from the budget of Kutaisi local municipality in accordance with the law. However, the participation of majoritarian members to Kutaisi City Council (Sakrebulo) from the ruling party in the opening ceremonies of the public gardens along with the representatives of the City Hall shall be considered as a problem. Opening the public gardens comes under the authorities of the executive bodies of local municipalities, in this case, under the authority of Kutaisi City Hall and not that of *Sakrebulo*, which is the representative body of the municipality. The participation of the majoritarian members to Sakrebulo from the ruling party, in this process, together with the representatives of the City Hall, may probably be connected with appeasing the voters and with gaining the support of the voters in favor of the ruling party in the upcoming elections. Also in this case, there is an attempt to associate the projects

²⁴Article: *A new Public Garden was opened in Kutaisi, in the Settlement of Automobile Factory*:<https://bit.ly/39sBt1Y>

²⁵ Information from the City Council of Kutaisi Municipality:

https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2Fpermalink.php%3Fstory_fbid%3D3309759999103188%26id%3D311713165574568&width=500

²⁶ Ibid:

²⁷Information from the City Council of Kutaisi Municipality: *A new Public Garden was opened in Kutaisi, in the Settlement of Automobile Factory*:<http://kutaisi.gov.ge/ge/kutaisshi-avtokarxnis-dasaxlebash-i-axali-skveri-gaixsna>

²⁸ Ibid:

²⁹ Information from the City Council of Kutaisi Municipality:

<https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2Fmedia%2Fset%2F%3Fset%3Da.3134762449936278%26type%3D3&width=500>

implemented by the State through the Budget with the ruling party. This action bears the signs of an initiative motivated by pre-election campaigning.

Staff changes in Kutaisi City Hall

During the reporting period, there were staff changes in Kutaisi City Hall. The process was quite vague. The official reason for dismissing the employees was their personal requests. In June 2020, the Head of the Office for Health, Social Affairs and Internally Displaced Persons within Kutaisi City Hall resigned³⁰. He reportedly resigned on the basis of his own formal request³¹. The offices were also abandoned by the heads of the administrative and audit offices. Further, the Chairperson of Kutaisi Sakrebulo, Nikoloz Lataria was removed. He reportedly resigned following his own formal request³². In July 2020, the Deputy Mayor of Kutaisi also resigned on the basis of his own formal request³³.

➤ **Protest rallies in Imereti and Adjara regions**

During the reporting period, there were active protest rallies in Imereti and Adjara regions.

Demonstrations in Imereti region related to infrastructural and acute social issues and other problems of roads, bridges³⁴, drinking water and transportation³⁵, also, the construction of Namakhvani hydro power plant on the river Rioni,

³⁰ Article: *Another Staff Change in Kutaisi City Hall*: <https://www.kutaisipost.ge/ka/akhali-ambebi/article/17730-morigi-sakadro-cvileba-quthaisis-meriashi?fbclid=IwAR1r0liYJmRiATTlk2nxI0RTEyLoSRon4kOmmvIO4CMRC1j-Nu0JbHrnHo8>

³¹ Ibid:

³² Ibid:

³³ Article: - *Kutaisi Deputy Mayor has resigned*:

<https://reginfo.ge/politics/item/18557-qutaisis-meris-moadgilem-tanamdeboba-datova>

³⁴ Article - "We do not have roads, schools, water, bridges are damaged and there are no pastures:"

Residents of Maghlaki held a Rally

<http://newpress.ge/ar-gvaqvs-gza-skola-wyali-dazianebulia-xidebi-da-ar-aris-sazovrebi---sofel-marlakis-mosaxleobam-aqcia-gamarta?fbclid=IwAR1TgbQmLcdho1ileyp22VAwn-jUxRDoWgzIUMs1USpTZ1ulo68HlpDi8Sw>

³⁵ *Demonstration of residents in village Banoja*: <https://www.youtube.com/watch?v=xpUh8vhu5V8>

which, according to environmentalists, poses an ecological threat to Kutaisi and surrounding municipalities³⁶.

The protests held in the Adjara region concerned various socio-economic problems- including those caused by the pandemic, as well as other problems in the region. In particular, during the reporting period, the rallies in the Adjara region included the following issues: a protest of persons with jobs in Turkey demanding opening of the border with Turkey and compensations³⁷, a rally of traders demanding the return of the old trading places³⁸, protest demonstrations of the employees of Adjara Public Broadcaster over a dismissal of three persons from the broadcaster³⁹, protest demonstrations demanding freedom to athletes, EldarAntadze and RezoTsulukidze detained for hooliganism⁴⁰.

➤ Samtskhe-Javakheti Region

During the reporting period, the pre-election environment in Samtskhe-Javakheti region was characterized with a tension due to the controversy between the current and former majoritarian MPs from Akhalkalaki-Ninotsminda: EnzelMkoyan and Samvel Petrosyan respectively. EnzelMkoyan is a majoritarian MP from the ruling party of Georgian Dream. Samvel Petrosyan is a former MP from the opposition party of National Movement⁴¹. At the moment he is a member to *Alliance of Patriots*.

³⁶ Article: "No to large HPPs:" A Rally was held against Namokhvan HPP in Kutaisi: http://firstnews.ge/index.php/2018-07-19-18-59-49/2018-07-19-19-15-51/sazogadoeba/item/6997-2020-06-23-08-40-06?fbclid=IwAR3eVz1QHIuMAQWoGDq-2g6HRSz3grBQr0x2GalMn5fz4bzjvru_T0vkvo4#.XvHKfc-Qff0.facebook

³⁷ Protest Demand for opening the Border with Turkey: <https://www.youtube.com/watch?v=nyrwgdcnrNU>

³⁸ Article: Traders in Batumi demand the Right to Work: <https://batumelebi.netgazeti.ge/news/282512/>

³⁹ Article: 230 employees of Adjara TV demand the Return of 3 fired Colleagues: <https://batumelebi.netgazeti.ge/news/292777/>

⁴⁰ "This Spark will not subside: "in Batumi, they demand the release of detained Athletes": <https://mtavari.tv/news/5834-ar-chatskhreba-es-mukhti-batumshi-dakavebuli>

⁴¹ Article: There were shootings near the House of MP EnzelMkoyan in Akhalkalaki: <http://sknews.ge/index.php?newsid=26583>

On March 26, 2020, media outlets provided news that there were shootings near the house of Akhalkalaki-Ninotsminda incumbent majoritarian MP, EndzelMkoyan⁴². With regard to the above incident, the law enforcers detained EndzelMkoyan's nephew, Armen Mkoyan and Samvel Petrosyan, who were charged with hooliganism⁴³. On March 31, Akhaltsikhe District Court remanded both defendants in custody applying a measure of restraint⁴⁴. Samvel Petrosyan and Armen Mkoyan were released from pre-trial detention on bail in June after paying GEL 20,000 each⁴⁵.

In July 2020, a photo was posted on the social network depicting the incident in Akhalkalaki from March 26, 2020. The photo shows the moment when majoritarian MP EnzelMkoyan aims gun at civilians⁴⁶. EnzelMkoyan posted a statement on the social network Facebook confirming that he also had shot in the air during the incident. The statement also mentions that the shots were fired in self-defense⁴⁷. Another photo shows the police attempting to stop EnzelMkoyan holding a firearm⁴⁸. The mentioned photos identify the elements of the offense of hooliganism committed by EnzelMkoyan punishable under the Criminal Code of Georgia.

Under the Constitution of Georgia, a member of Parliament enjoys immunity, meaning that the investigative bodies need the consent of the Parliament in order to arrest, detain and search any MP. However, the Constitution does not exclude the criminal liability of an MP provided that there are appropriate grounds for such prosecution. The investigative bodies questioned EnzelMkoyan as a witness

⁴² Ibid:

⁴³ Article: *Persons detained on the facts of Hooliganism and Shootings in Akhalkalaki were remanded in Custody as a Measure of Restraint* : <http://sknews.ge/index.php?newsid=26702>

⁴⁴ Ibid:

⁴⁵ Article: *"Dream" MP Mkoyan chases Petrosyan and shoots: a video footage of the March incident*: <https://reginfo.ge/people/item/18618-%E2%80%9Eoznebis%E2%80%9C-deputati-mkoiani-petrosians-misdeeds-da-isvris-martis-inzidentis-video>

⁴⁶ Article: *EnzelMkoyan shoots at Civilians*: <http://sknews.ge/index.php?newsid=28568>

⁴⁷ Article: *Controversies in Akhalkalaki between acting and former MPs and their Relatives*: <https://netgazeti.ge/news/439525/>

⁴⁸ Article: *EnzelMkoyan shoots at Civilians*: <http://sknews.ge/index.php?newsid=28568>

in connection with the above-mentioned incident⁴⁹. No criminal case was opened against him, despite the possibility for such grounds to exist.

OFFICIAL PRE-ELECTION PERIOD (SEPTEMBER 1 - OCTOBER 30)

(ADJARA, SAMTSKHE-JAVAKHETI AND IMERETI)

➤ Imereti region

A case of misuse of the administrative resources in the pre-election period was observed in Imereti region. More precisely, the premises of a public school was used for the meeting with the candidate from the ruling political party.

On October 27, NanukaZhorzholiani, the majoritarian candidate from United Opposition, political party *Strength in Unity* for Tskaltubo-Samtredia-Vani-Khoni constituency, released a video showing the meeting in the public school of the Upper Vani village⁵⁰. According to Zhorzholiani, together with the members of the ruling party the trustee of Upper Vani, the principal of Upper Vani public school, principal of the village kindergarten and representatives of the municipal city hall attended the meeting. In the video footage, one of the guests claims: “we are having here intra-party discussions.” The members of the political party *Strength in Unity* were not allowed to attend the meeting.

In accordance with the Article 48 of the Election Code of Georgia, in the course of the election campaign in support of or against any political party, candidate from an electoral subject, or the electoral subject shall be prohibited from using “the premises occupied by state authorities and municipality bodies, also by organizations funded from the State Budget of Georgia, provided that other political parties, candidates from electoral subjects, or the electoral subjects are unable to use the same or similar premises under the same conditions.”

The premises of the public school are the administrative resource of the State. Therefore, it is inadmissible to use it in support of any particular political party

⁴⁹ Article: *Controversies in Akhalkalaki between acting and former MPs and their Relatives*: <https://netgazeti.ge/news/439525/>

⁵⁰ Video footage: <https://www.facebook.com/108112752594050/posts/4518646808207267/>

during the pre-election period, except the cases where other political parties may also use the same premises or similar premises. In the given case, no such exception was evident.

No members of other political parties participated in the meeting except for the representatives of the ruling party. The opposition parties were restricted the possibility to participate in the meeting. This fact reveals that the meeting in the premises of the public school was organized in support of the ruling party few days before the Election Day.

In Imereti region, in the course of the official pre-election period, like in the preceding period, there were protest rallies of the population because of acute social problems. On September 5, the residents of village Godogani within Terjola municipality protested the demolished road infrastructure. There were frequent protest rallies throughout the Imereti region to protest the problems related with the demolished roads, bridges, drinking water system and transportation during the summer time, shortly before the official pre-election period.

➤ **Samtskhe-Javakheti Region**

Some violent incidents continued in the official pre-election period involving the majoritarian candidates for Akhalkalaki-Ninotsminda constituency. Before the official pre-election period, the acting majoritarian MP from *Georgian Dream* Enzel Mkoyan and the majoritarian candidate from the opposition political party *Alliance of Patriots* Samvel Petrosyan were having frequent controversies. In connection with one of such incidents, criminal charges were brought against Samvel Petrosyan and A.M., the nephew of Enzel Mkoyan⁵¹. Despite the photo and video footage published by various media sources showing that MP Enzel Mkoyan had also allegedly committed an offense, no criminal proceedings were instituted against him⁵². The investigation only interviewed Enzel Mkoyan

⁵¹Report of Human Rights Center: *Pre-Election Environment in the Regions of Georgia*:

<http://hridc.org/admin/editor/uploads/files/pdf/report2020/cinasaarchevno%20mdgomareoba%20regionebs%20hi%202020.pdf>

⁵² Ibid:

as a witness.⁵³The questions of the society over the alleged commission of an offense by him remained unanswered, though the act was evidenced by publicly disseminated information.

Lack of adequate responses to the violent facts from the law enforcement bodies and the selective justice encourage crimes. The immunity of an MP does not mean that he/she will not be held liable for the committed offense provided there are some grounds available and the procedures maintained. The Georgian law enforcement bodies shall carry out comprehensive and effective investigations over such facts and make liable the persons involved in the offenses.

The violent incidents also continued in Akhalkalaki during the official pre-election period. On October 26, TV Company Formula reported about alleged fact of physical assault of Samvel Manukyan, the majoritarian candidate from the ruling party. The manager of Akhalkalaki hospital also confirmed that Samvel Manukyan had bodily injuries⁵⁴. According to the statement by Samvel Manukyan, after the pre-election meeting in DidiSamsari village, he was physically assaulted by a resident of Akhalkalaki who was busy with collecting the votes for the independent candidate EnzelMkoyan⁵⁵. EnzelMkoyan denied his connection with the incident. In connection with the fact, the investigation was launched under the Article 126 and 187 of the Criminal Code of Georgia meaning violent acts, and damages to or destruction of assets belonging to other persons⁵⁶.

During the pre-election period, the members of the precinct election commissions (PECs) and district election commissions (DECs) were found attending the pre-election meetings of *Georgian Dream*. Namely, in Adigeni, chairwoman of the Varkhani village PEC RusudanKhobiashvili attended the pre-

⁵³ Statement: *Coalition for Equality demands Investigation over EnzelMkoyan's Case*:

<http://tdi.ge/ge/statement/koalicia-tanascorobistvis-enzel-mkoianis-sakmis-gamoziebas-itxovs>

⁵⁴ Article: *A candidate from Dream in Akhalkalaki was allegedly physically assaulted by a member to the City Council from Dream*: <https://formulanews.ge/News/38530>

⁵⁵Article: *A Dream candidate Samvel Manukyan claims he was assaulted and his nose was broken*<https://reginfo.ge/politics/item/19706-%E2%80%99Eoznebis%E2%80%99C-kandidati-samvel-manukiani-azxadebs%2C-rom-kampaniis-dros-tavs-daesxnen-da-zxviri-gautexes>

⁵⁶ Ibid:

election meeting of the majoritarian candidate from *Georgian Dream*⁵⁷. The member of the Akhaltsikhe DEC Naira Samsonidze attended the campaign meetings of Anton Obolashvili, the majoritarian candidate from *Georgian Dream* with the residents.

In accordance with Article 45 of the Election Code of Georgia, election commission members are prohibited from electioneering and participating in preelection campaigns. In the above cases, the particular requirement of the law was violated as participating in the meetings of political parties or election candidates means the participation in the election campaign.

➤ Adjara region

On October 25, online media batumelebi.netgazeti.ge released information and photo materials, according to which the Mayor of Khelvachauri municipality Jumber Vardmanidze was found with his office car attending the pre-election meetings of the ruling party *Georgian Dream*⁵⁸. Although the mayor is not a state-political official and has right to participate in the pre-election campaigning, in accordance with the Article 48.1(c) of the Election Code of Georgia, “any person having the right to participate in an election campaign is prohibited from using the vehicles owned by-the state or municipality authorities.” The above case was an example of misusing the administrative resources for the election purposes.

⁵⁷ See information: <http://sknews.ge/ka/old/29667>

⁵⁸ See information: <https://batumelebi.netgazeti.ge/news/302390/>

THE ELECTION DAY

➤ Imereti Region (Khoni, Tskaltubo and Kutaisi)

In Imereti region, HRC monitors attended the polling process in the precincts of Khoni, Tskaltubo and Kutaisi municipalities from the moment of opening the polling stations up to the end of the counting procedures and the completion of summary protocols.

The polling process was carried out mainly in peaceful environment in these municipalities. The HRC monitors did not identify any significant violations of electoral rules. However, there were activities of the coordinators of the ruling party on the territories adjacent to the polling stations with activists holding the list of voters and registering the names of the voters arriving to the elections. Similar cases were observed in Tskaltubo and Kutaisi municipalities. In accordance with the Election Code of Georgia, voters may not be hampered within radial distance of 25 meters from the polling stations. However, in some instances, the coordinators interrupted the voters beyond the radial distance of 25 meters from the polling stations. Such actions on the part of the coordinators represents attempts of influencing the free will of voters jeopardizing the free and fair election environment.

Among the observed problematic issues we have to mention the impossibility to maintain the rules for the prevention of the coronavirus in most cases due to the infrastructure of the polling stations. While, in some instances this was due to nonobservance of the rules by the PEC members.

In number of cases, the sanitary and hygienic requirements were not met at some polling stations. At some precincts, it was impossible to air out the room. Further, the physical distancing between the PEC members was often not observed. In some cases, the persons regulating the flow of voters failed to properly regulate the flow and the people in the line could not keep the distance among each other. At some precincts, observers were not subject to thermal screening.

A significant trend was observed where the PEC members leaving their places of duties at the polling stations did not make respective notes to the logbooks.

In PEC N 8 of Tskaltubo municipality, a voter placed two ballot papers into two separate envelopes and dropped them both into the ballot box. The HRC observer lodged a complaint with the PEC and requested to take disciplinary action against the officer supervising the ballot box.

At the polling station N 74 in Kutaisi the flow of the voters was not regulated and the voters could not keep physical distance among each other. Wearing of masks by the voters was not monitored either. The polling booth had a curtain contradicting the requirements of COVID safety. The HRC observer lodged a complaint with the PEC to this regard.

There was overcrowding inside polling station N10 in Kutaisi. The flow of the voters was not regulated and people could not keep social distance among each other. There was a pen available at the entrance of the polling station used by voters multiple times. In this regard, the HRC observer lodged a complaint with the PEC.

➤ **Samtskhe-Javakheti Region (Akhaltzikhe, Akhalkalaki and Adigeni)**

In Samtskhe-Javakheti region, HRC observed the Parliamentary Elections at the precincts collectively inhabited with ethnic minorities within the municipalities of Akhaltsikhe, Akhalkalaki and Adigeni. In the above municipalities, the polling process was carried out mostly in accordance with the rules. However, like the case in Imereti region, the PEC members failed to follow the rules established for the prevention of the spread of the coronavirus. In some cases, this was caused by the structure of the polling stations, in particular due to a small space of the premises. In some instances, the PEC members did not follow the rules, they did not regulate the flow of voters causing overcrowding at the polling stations.

Activities of the coordinators from the ruling party were evident in the vicinities of the Akhaltsikhe polling station N 17.37.08. The coordinators were standing with the lists of voters in their hands and were registering the voters arriving to the polling station.

The principle of confidentiality of personal data of voters was infringed at the Akhaltsikhe polling station N 17.37.08. In particular, the PEC chairperson and members provided a third party with a tablet of the PEC installed with a software for searching the personal data of the voters. The same observer used to approach the desk of the registrar officers each time when a voter was entering the polling station and was asking his/her ID number to search for the list number of the voter through the software. After the HRC observer requested such action to be abandoned, the PEC chairperson seized the tablet from the observer and such fact never repeated again.

➤ **Adjara Region (Makhinjauri, Batumi, Khelvachauri, Gonio and Sarpi)**

On October 31, 2020, along with the Parliamentary Elections, the elections of the Supreme Council of the Autonomous Republic of Adjara were held in Adjara. Consequently, the voters had to fill out four ballot papers at the polling stations: for the proportional and majoritarian parliamentary elections, and for the proportional and majoritarian elections of the Supreme Council of Adjara. Since the voters had to fill out 4 ballot papers and to follow the safety regulations related to COVID-19, the polling process stretched out and there were long lines at the polling stations.

The PEC members mostly followed the election procedures, reacted in positive terms to the notes from the HRC observers and took them into consideration.

The following violations were observed in Adjara: PEC members did not wear face shields. At the polling stations, people often did not keep distance among each other. When PEC members were leaving their places of duties, they did not make respective notes to the logbooks. The PEC members were first to help the voters in need of help when casting votes. However, after the HRC observer made

remarks to the above issue, other voters were allowed to help the voters needing a help.

There were frequent cases when the ballot boxes were filled up. In such cases, PEC members used to shake the ballot boxes to create more space in them. The PEC members refrained from placing an additional ballot box. There were cases of voters leaving the ballot papers in the polling booths causing the annulment of the ballot papers.

There were observer nongovernmental organizations identified, whose representatives did not know which organizations they represented naming only political parties.

They did not have information about the rights and duties of observers.

At the polling station N 28.79.19, in the process of registration of voters, one observer was whispering the first and last names of the voter to another observer recording the names on her mobile phone. The HRC observer noted to the PEC chairperson that such an action put at risk the expression of free will of voters. The PEC chairperson did not react to the remark and the HRC observer had to lodge a complaint with the PEC.

POST-ELECTION PERIOD

Many facts of imbalances were observed in the summary protocols during the 2020 Parliamentary Elections: the number of the ballot papers did not match the number of the voters having arrived to the respective polling stations. According to the International Society for Fair Elections and Democracy (ISFED), the cases of imbalance in the summary protocols were observed in 8% of the observed polling stations⁵⁹. In accordance with the ISFED, this could have affected the final results of the election subjects, namely the maximum impact could be under 4.1%.

On the next day of the Election Day, PEC members carried on meetings in the premises of the District Election Commissions incorporating amendment protocols

⁵⁹Publication: “CEC shall re-calculate the votes in 8% of the Polling Stations, where excess number of ballot papers were identified – ISFED” : <https://bit.ly/2KSJuTJ>

into the summary protocols. Unprecedented number of amendment protocols were drawn up to the summary protocols during the 2020 Parliamentary Elections. The amendment protocols (for the proportional system) were drawn up at 507 precincts amounting to 13.8% of the polling stations throughout Georgia⁶⁰. During the 2016 Parliamentary Elections the number of amendment protocols was 353 (9.57% of polling stations). As for the summary protocols from the majoritarian polls, the amendment protocols were drawn up at 584 polling stations amounting to 15.39% of the polling stations throughout Georgia. During the 2016 Parliamentary Elections the number of amendment protocols was 271 (7.46%).

The CEC chairwoman stated that the mistakes identified in the summary protocols were of mechanical character. She said the protocol templates were sophisticated with two columns to be filled out. Moreover, there were an unprecedented number of electoral subjects participating in the 2020 Parliamentary Elections resulting in human errors when entering data⁶¹.

When summing up the votes, the biggest imbalance in ballot papers was observed at PEC N 19 in Batumi. At the above polling station 795 voters cast votes. However, according to the summary protocol, the electoral subjects received a total of 3050 votes. The summary protocol included the results from four ballot papers: proportional and majoritarian parliamentary elections, and that of proportional and majoritarian elections of the Supreme Council of Adjara. The PEC chairperson submitted an explanatory note with this regard stating that the technical error was due to fatigue.⁶²

The abovementioned flaws evident in the summary protocols reveals the need of staffing the PECs with more qualified officers. Furthermore, the PEC members shall undergo permanent trainings and particular attention shall be paid to the practice of filling out the summary protocols.

⁶⁰ Statistical information on amendment protocols and explanatory notes:

<https://cesko.ge/geo/list/show/123377-statistikuri-informatsia-shestsorebis-ogmebisa-da-akhsnaganmartebbis-shesakheb?fbclid=IwAR1Pr86dWFtEGFCnhCjmnJ82Al6dF-LjvGj-O94fkBLmdqHO3htKL4oQmo>

⁶¹ See information: <https://metronome.ge/story/308840>

⁶² Article: *Faked Summary Protocols: – What Kind of Mistakes were Observed, What was Corrected and What was not Corrected* <https://bit.ly/3flf558>

RECOMMENDATIONS

To the Central Election Commission:

- The District and Precinct Election Commissions to be staffed with qualified personnel;
- To carry on trainings of the DEC and PEC members on election rules and procedures. Particular attention shall be paid to the issues of filling out the summary protocols;

To the political parties:

- To abandon the practice of influencing the free will of voters and that of registering the voters on the territory adjacent to polling stations by the coordinators of the political parties, particularly of the ruling party;
- The political parties shall comply with the requirements of Article 25² of the Organic Law of Georgia *on Political Associations of Citizens* prohibiting any political party from directly or indirectly providing tangible assets to citizens of Georgia.

To the Government of Georgia:

- To raise awareness among the officers employed at various public agencies through information campaigns and trainings and teach them what it means to misuse the administrative resources for the election purposes;
- The state funded social aid shall not be delivered to the population in a manner creating an impression that the assistance is coming from the ruling party and not from the State;

To the Prosecutor's Office of Georgia:

- To investigate the facts of alleged violation of Article 25² of the Organic Law of Georgia *on the Political Associations of Citizens* prohibiting any political party from directly or indirectly providing tangible assets to citizens of Georgia.

To the Parliament of Georgia:

- To introduce the amendments to the Election Code of Georgia in order to ban hampering the voters within the radial distance of 100 meters from the polling stations.