



MISUSE OF ADMINISTRATIVE RESOURCES DURING GEORGIA'S 2020 PARLIAMENTARY ELECTIONS

FINAL REPORT

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KEY FINDINGS

Transparency International Georgia's (TI Georgia) observation of the parliamentary elections from July 1, November 22, 2020 showed that the misuse of administrative resources during electoral processes is still problematic for Georgia. Ineffective investigation of violence, the politicization of public institutions, including election commissions, and mobilization of the employees of budgetary organizations by the ruling party for election campaigns, the use of investigative agencies to discredit political opponents, and other vicious tendencies remain unchanged from election to election:

Misuse of enforcement administrative resources during electoral processes

Several important trends in the misuse of enforcement administrative resources have been identified.

- **Violence:** From the second half of September, the number of violent incidents has increased, with several cases of group violence against supporters of political parties. The municipalities of Marneuli, Bolnisi, and Dmanisi were especially noteworthy in this regard. The Ministry of Internal Affairs (MIA) has launched an investigation into all incidents of violence and has quickly arrested several individuals in isolated cases. According to the information provided by the MIA, as of October 20, an investigation had been launched into 59 cases that may be related to the elections in one way or another. The investigation of 6 cases has been terminated, while the investigation of the remaining 53 cases is still ongoing. In 9 of these 53 cases, certain individuals have been prosecuted. The MIA has not released the updated statistics since October 20. Due to the low number of cases investigated, the MIA has become the subject of frequent criticism.
- **Property damage:** Since the second half of September, cases of damaging political party offices, vehicles, campaign materials and other types of property have also increased. In terms of investigating such facts, the MIA was even less effective than in investigating cases of violence.
- **Use of water cannons against demonstrators gathered at the Central Election Commission (CEC):** It was problematic that law enforcement officers initially used water cannons against demonstrators gathered at a protest rally in front of the CEC building on November 8 without proper grounds and warning, injuring several people. During the protest rally, professional activities of media representatives were also hindered, some of them were injured and their technical equipment was damaged.
- **Review of Election Day and Post-Election Complaints:** Various developments, identified violations, and the litigation process during the Election Day and post-election period are also worth mentioning. From the second day of the elections, the opposition political parties started speaking about the alleged falsification of the election results. Such allegations were mainly driven by the existence of numerous instances of imbalance in the results summary protocols compiled by Precinct Election Commissions (PECs). Doubts were further increased by unsubstantiated and often inadequate decisions on complaints and appeals by the superior election commissions (district and central election commissions) and the courts. In the end, the vast majority of complaints and lawsuits filed by various entities remained either rejected or unshared. As a result, all opposition parties, whose candidates should have run in the second round, refused to recognize the election results and enter parliament.

- **Dismissals:** During the reporting period, some information has been spread about the dismissal of employees of budgetary organizations allegedly on political grounds.
- **Problems with the composition of election commissions:** As in previous elections, this year the process of selecting professionally appointed members of district and precinct election commissions (DECs and PECs) also was a significant problem. Especially noteworthy is the #67 Zugdidi DEC, which appointed 102 out of 642 members of its subordinate PECs unlawfully, namely appointing those commissioners who were nominated by parties during the previous presidential election, which is illegal under a new regulation enacted this year. In addition, opposition political parties have reported that newly appointed members of certain district and precinct commissions were often associated in some way with the current government, work in budgetary organizations, or have close ties to members of the ruling party. TI Georgia periodically checked such information and most of it was confirmed.
- **Using Investigative agencies to discredit political opponents:** As in previous elections, the Georgian prosecutor's office has attempted to discredit the former ruling United National Movement party (UNM) by using a specific investigation. In particular, on October 7, the Office of Prosecutor General of Georgia arrested former members of the Government Commission on Delimitation and Demarcation, who were charged with violating Georgia's territorial integrity. The timing of the investigation, the pre-election context, the signs of a selective approach to the investigation and the populist statements made by the ruling party leaders violating the presumption of innocence raise suspicions that the investigation serves electoral purposes and is aimed at creating misconceptions about political opponents for Georgian citizens. As in previous elections, secret audio recordings involving leaders of opposition political parties were released. The purpose of disseminating the records seems to have been to discredit these individuals. This time, too, there was a legitimate suspicion that the recordings were created by Georgian special services and disseminated through foreign websites.

Misuse of legislative administrative resources during electoral processes

In 2020, the election legislation, including the parliamentary electoral system, was reformed that was mostly positively assessed by TI Georgia. However, there are still some major problems in the election legislation that work in favor of the ruling party and which the government has not shown the political will to address. Such issues include:

- Unfair rules for forming election commissions and improper procedure for selecting members of commissions on professional grounds.

In addition, some questions were raised about the CEC's decision to regulate voting rights of persons infected with COVID-19, as well as persons in quarantine and isolation.

Misuse of institutional administrative resources during electoral processes

During the reporting period, there was a tendency to use several types of institutional administrative resources:

- **Using state-funded projects in campaigning:** The practice of visiting various public or private projects funded by the state or local budget by the ruling party's election candidates has become a trend. Such cases were recorded throughout the country and did not contribute to the existence of a clear boundary between the state and the ruling party in the run-up to the elections.

- **Mobilization of public servants:** As in previous elections, mobilization of employees of budgetary organizations for pre-election meetings was observed in the reporting period.
- **Illegal campaigning:** There have also been several cases of alleged illegal campaigning. Similar to the previous elections, the election commissions still did not recognize the cases of overt campaigning on the personal pages of social networks as electoral agitation, Therefore, this remains a problem.

Misuse of financial administrative resources during electoral processes

In 2020, there was no change in the central or local budget that would violate the Election Code. As for the electorally-motivated public spending, up to 20 socio-economic initiatives presented by the government in response to the economic crisis caused by the spread of the COVID-19 are especially noteworthy, which would have a great impact on the election environment. Among these initiatives there were several projects that could be categorized as electorally motivated public spending.

INTRODUCTION

Georgia's parliamentary elections were held on October 31, 2020, in which 48 political parties, two electoral blocs and 11 independent majoritarian candidates participated. 9 electoral subjects overcame the 1% threshold in the proportional elections required to enter the Parliament. The winner of the first round in 17 of the 30 majoritarian constituencies were identified, which is why a second round was scheduled for November 21. In each of the 17 constituencies, one candidate was from the ruling Georgia Dream party. As all opposition parties, including those whose majoritarian candidates should have run in the second round, refused to recognize the election results, campaign for the second round and enter parliament, the Georgian Dream candidates won the runoffs in all constituencies.

One of the major influences on electoral processes is typically the use of administrative resources. Such influence can, in fact, be as great as to predetermine even the election outcome. Therefore, much attention should be given to limiting the use of these resources.

TI Georgia has been studying the issue for many years now. In the end of October, TI Georgia released an interim report¹ assessing the misuse of administrative resources for the 2020 parliamentary elections. This time, we publish a final report, which covers the period starting from July 1 up to November 22, 2020.

TI Georgia kept track of all the events that could entail the use of administrative resources for electoral purposes or similar activities. Lawyers of the organization and nine long term regional observers (LTOs) studied and verified reported facts. The lawyers double-checked relevant cases for their compliance with the Georgian election legislation and international standards. In addition, TI Georgia monitored Election Day developments with the help of up to 600 short-term observers (STOs). Based on the information provided by STOs, TI Georgia assessed the election process and wrote out complaints and appeals. Due to the boycott announced by the opposition parties and, consequently, the lack of competition, TI Georgia decided not to observe the second round of elections with STOs.

This report initially explains the essence and types of the misuse of administrative resources during electoral processes. The next four chapters review the general trends and specific cases of possible misuse of administrative resources for the 2020 parliamentary elections, and the last chapter summarizes the organization's recommendations. Many findings presented in the final report are taken from the interim report.

1 *Misuse of Administrative Resources during Georgia's 2020 Parliamentary Elections (Interim Report)* TI Georgia, 26.10.2020, <https://bit.ly/3gNzgzM>

CHAPTER I. WHAT IS THE MISUSE OF ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES?

There is no commonly accepted definition of an administrative resource and its misuse for electoral purposes either in Georgian or in international law. However, a wide range of international documents related to the given issue attempt to establish a common approach to the above-mentioned phenomena. Based on the analysis of these documents and opinions expressed by scientists, TI Georgia identifies the following types of administrative resources²:

Table 1. Types of Administrative Resources and Examples of their Misuse during Electoral Processes

Type of administrative resource	Examples of misuse
Enforcement	<i>Selective use of state enforcement, including coercive powers against political opponents, their supporters and voters. For instance, politically motivated detention of individuals, intimidation, assault, threatening, discharge or other forms of coercion.</i>
Legislative	<i>Use of legislative, executive and judicial branches in favor of/against the electoral interests of a certain political party or candidate. For instance, adoption of a law, which puts a certain party at an advantage.</i>
Institutional	<i>Use of human and non-monetary resources of state agencies, as well as the use of media and communication outlets funded or owned by the state to facilitate or hinder election campaign of a certain political party or a certain candidate.</i>
Financial	<i>Use of budgetary resources of the central or local government agencies to facilitate the election campaign of certain political party or candidate</i>

The Georgian legislation provides a narrow definition for the misuse of administrative resources during electoral processes, frequently leaving a number of issues beyond regulation. In particular, an administrative body may carry out a series of activities that, although in compliance with the law, might provide goods to the society in a way to bear a significant impact on voters' behavior. In such cases, it is difficult to draw a line between the state and a political party that represents a requirement under the 1990 Organization for Security and Cooperation in Europe (OSCE) Copenhagen Conference Document³.

Hence, when referring to the misuse of administrative resources during the electoral processes, we mean not only violation of the Georgian legislation, but also acts against the spirit of the Copenhagen Document and universally accepted electoral principles.

2 How to Monitor and Report on the Abuse of State Resources – an Introduction, Dr. Magnus Ohman, April 14, 2014

3 <http://www.osce.org/odihr/elections/14304>

CHAPTER II. MISUSE OF ENFORCEMENT ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

Several important trends in the misuse of enforcement administrative resources have been identified in the run-up to the 2020 parliamentary elections. From the second half of September, the number of violent incidents has increased, with several cases of group violence against supporters of political parties. The municipalities of Marneuli, Bolnisi and Dmanisi were especially noteworthy in this regard. The MIA has launched an investigation into all incidents of violence and has quickly arrested several individuals in isolated cases. According to the information provided by the MIA, as of October 20, an investigation had been launched into 59 cases that might be related to the elections in one way or another. The investigation of 6 cases has been terminated, while the investigation of the remaining 53 cases is still ongoing. In 9 of these 53 cases, certain individuals have been prosecuted. The MIA has not released the updated statistics since October 20. Due to the low number of cases investigated, the MIA has become the subject of frequent criticism. An improper investigation by an investigative agency might be considered a use of administrative resources for elections. The deputy interior minister has been reiterating at the meetings of the Interagency Commission for Free and Fair Elections (IACFFE) that supporters of the opposition parties who had been subjected to the violence were not cooperating properly with the investigation.

Since the second half of September, cases of damaging political party offices, vehicles, campaign materials and other types of property have also increased. In terms of investigating such facts, the MIA was even less effective than in investigating cases of violence.

During the reporting period, some information has been spread about the dismissal of employees of budgetary organizations allegedly on political grounds.

As in previous elections, this year the process of selecting professionally appointed members of DEC and PEC also was a significant problem. Especially noteworthy is the #67 Zugdidi DEC, which appointed 102 out of 642 members of its subordinate PECs unlawfully, namely appointing those commissioners who were nominated by political parties during the previous presidential election, which is illegal under a new regulation enacted this year.

In addition, opposition political parties have reported that newly appointed members of certain DEC and PEC were often associated in some way with the current government, work in budgetary organizations or have close ties to members of the ruling party. TI Georgia periodically checked such information and most of it was confirmed.

Various events, identified violations, and the litigation process during the Election Day and post-election period is also worth mentioning. From the second day of the elections, the opposition political parties started speaking about the alleged falsification of the election results. Such allegations were mainly driven by the existence of numerous instances of imbalance in the results summary protocols compiled by Precinct Election Commissions (PECs). Doubts were further increased by unsubstantiated and often inadequate decisions on complaints and appeals by the superior election commissions (district and central election commissions) and the courts. In the end, the vast majority of complaints and lawsuits filed by various entities remained either rejected or unshared. As a result, all opposition parties, whose candidates should have run in the second round, refused to recognize the election results and enter parliament.

As in previous elections, the Georgian prosecutor's office has attempted to discredit the former ruling party (UNM) by using a specific investigation. In particular, on October 7, the Office of Prosecutor General of Georgia arrested former members of the Government Commission on Delimitation and Demarcation, who were charged with violating Georgia's territorial integrity.

The timing of the investigation, the pre-election context, the signs of a selective approach to the investigation and the populist statements made by the ruling party leaders violating the presumption of innocence raise suspicions that the investigation serves electoral purposes and is aimed at creating misconceptions about political opponents for Georgian citizens.

As in previous elections, secret audio recordings involving leaders of opposition political parties were released. The purpose of disseminating the records seems to have been to discredit these individuals. This time, too, there was a legitimate suspicion that the recordings were created by Georgian special services and disseminated through foreign websites.

It was problematic that law enforcement officers initially used water cannons against demonstrators gathered at a protest rally in front of the CEC building on November 8 without proper grounds and warning, injuring several people. During the protest rally, professional activities of media representatives were also hindered, some of them were injured and their technical equipment was damaged.

More information on the trends and other specific facts described above is provided in the relevant subsections.

1. VIOLENCE, THREATENING, INTIMIDATION, AND LAW ENFORCEMENT RESPONSE

1.1. INCIDENTS THAT OCCURRED DURING THE PRE-ELECTION PERIOD

On September 15, supporters of Kakha Okriashvili, a majoritarian candidate of the United National Movement - United Opposition "Power is in Unity" (UNM-UOPU) in **Bolnisi, Dmanisi, Tetrtskaro** and **Tsalka** election district, were attacked.⁴ The MIA said that the incident was being investigated under the articles of group violence and damage to other's property.⁵

According to the Main Channel,⁶ on September 16, in the village of Nakhiduri of **Bolnisi** Municipality, Vugar Isayev, a Georgian Dream (GD) member of the Bolnisi City Council, verbally abused a TV journalist while performing his professional activities and threatened to stab him. The journalist was covering the meeting of the opposition candidate in the region as part of the election campaign, which, according to media reports, was also observed by activists of the ruling party and public officials.

On September 18, masked men attacked Lasha Tsutskiridze, an activist of the UNM-UOPU, on Iosebidge Street in **Tbilisi**, injuring him.⁷

On the night of September 24, in the Kukia settlement, Didube-Chugureti district of **Tbilisi**, an unknown person threw a UNM activist, Ninia Tsiskarishvili, to the ground with a strong push. She was going back home from the election headquarters. According to the victim, the attackers were two and they obviously did not act in order to rob - they did not take the bag or the mobile phone, which was broken as a result of the incident.⁸

4 "Confrontation in Dmanisi - Kakha Okriashvili's Supporters Attacked", Main Channel, 15.09.2020, <https://www.facebook.com/watch/?v=344554666595530>

5 "According to Kakha Okriashvili, his supporters were attacked in Dmanisi", Netgazeti, 15.09.2020, <https://netgazeti.ge/news/481980/>

6 "Elections are over and ...-" Georgian Dream MP threatens a journalist of Main Channel, Main Channel, 16.09.2020, <https://bit.ly/3j0U8Dk>

7 "National Movement Activist Lasha Tsutskiridze Attacked", Radio Liberty, 18.09.2020, <https://www.radiotavisupleba.ge/a/30846415.html>

8 "Violence before the elections", Radio Liberty, 25.09.2020, <https://bit.ly/3nY9axo>

According to the UNM-UOPU, on September 27 in the village of Nakhiduri of **Bolnisi** municipality, the brother of Gogi Meshveliani, the majoritarian candidate of the GD, with dozens of supporters stormed the teahouse, attacked opposition activists and physically assaulted them. As a result of the confrontation, several activists received body injuries, causing them to be taken to hospital. Representatives of the GD denied the allegations and, in turn, accused the opposition party of orchestrating the provocation and physically assaulting its supporters.⁹ In connection with the incident, the MIA arrested only Arif Yusufov, the UNM-UOPU activist from Bolnisi, who was accused of damaging the health of Gogi Meshveliani's brother.¹⁰

According to Nika Melia, the Gldani district majoritarian candidate from UNM-UOPU, stones were thrown on him from a nearby residential building on September 27 during a meeting with voters in Gldanula, **Tbilisi**.¹¹

According to Ahmed Imamkuliev, the majoritarian candidate of European Georgia in Gardabani and Marneuli, on September 28, one of the party activists was shot with a pneumatic weapon in the village of Sadakhlo of **Marneuli** Municipality. An investigation has been launched into the incident under Article 120 of the Criminal Code, which stipulates intentional minor damage to health.¹²

On September 29, a physical confrontation took place between the supporters of the UNM-UOPU and the GD in front of the **Marneuli** DEC. The incident took place while the UNM-UOPU was holding a rally in front of the DEC building. An investigation has been launched into the incident under Article 126 of the Criminal Code - violence.¹³

On the same day, in the evening, the situation in **Marneuli** became even tenser. After the rally, the GD supporters attacked Lasha Kveladze and his father, Givi Kveladze, supporters of the UNM-UOPU and a member of the DEC. His car was also damaged.¹⁴ Kveladze got face injuries. Shortly after the incident, it was reported that Jeyhun Muhammadali and Lasha Gureshidze, correspondingly, a journalist and a cameraman of the Main Channel, as well as a cameraman of the First Channel were also attacked and injured. At the same time, representatives of the GD claimed that their supporters were beaten by activists of the UNM-UOPU. According to the MIA, the investigation into the incidents was launched under two articles - violence (Article 126 of the Criminal Code) and obstruction of journalistic activities (Article 154 of the Criminal Code).¹⁵ On October 3, the police arrested three people involved in the incident. Two of them are members of the GD who were arrested on charges of violence against members of the UNM-UOPU during the September 29 incident in Marneuli. One of them is Giorgi Jalaghonia, the head of the transport park of Marneuli City Hall, and the other is Giorgi Shubitidze, an activist of the GD. Lasha Kveladze, a member of the DEC, was also arrested, who was accused of hitting a blunt object to a GD supporter during the incident.¹⁶

9 "Noise and Confrontation in Bolnisi: Members of the Power in Unity Accuse Georgian Dream of Attack", on.ge, 27.20.2020, <https://bit.ly/2S5Rdy4>

10 MIA: We arrested 2 UNM and 2 GD activists in Marneuli and Bolnisi "formulanews.ge, 4.10.2020, <https://formulanews.ge/News/37608>

11 "According to Nika Melia, stones were thrown on him during the meeting with the voters", InterpressNews, 27.09.2020, <https://bit.ly/2lyYC7A>

12 "Our activist was shot from a pneumatic gun - Ahmed Imamkuliev", Publika, 28.09.2020, <https://bit.ly/2FvLfUn>

13 "UNM and GD Supporters Confronted at the Marneuli District Election Commission", Publika, 29.09.2020, <https://bit.ly/3du55fn>

14 "According to Azer Suleimanov, two members of the UNM were injured in a confrontation between activists of the United National Movement and the Georgian Dream in Marneuli." Interpressnews, 29.09.2020, <https://bit.ly/343ApyB>

15 "They put my head in the tree and beat me - a journalist of the Main Channel", Publika, 29.09.2020, <https://bit.ly/3k78e7m>

16 "MIA: We arrested 2 UNM and 2 GD activists in Marneuli and Bolnisi", formulanews.ge, 4.10.2020, <https://formulanews.ge/News/37608>

On October 19, a car was shot on the **Bolnisi-Marneuli** road, in which supporters of Kakha Okriashvili, the candidate of the UNM-UOPU, were sitting. According to reports, the shot was fired from a gun and the bullet was fired at the back of the vehicle. Before the shooting, the driver was first asked to stop the car and then the car was hit. No one was injured in the incident. According to the MIA, an investigation was launched under Articles 187 and 236 of the Criminal Code. Article 187 deals with damage or destruction of an item, and Article 236 with - illegal purchase, storage, carrying of a firearm.¹⁷

On September 30, in **Senaki**, Giorgi Gogava, the son of Miranda Mirtskhulava, the head of the election headquarters of the UNM-UOPU, said that he had been threatened by a high-ranking military police officer with a weapon. Gogava links the incident to his mother's political activism. The MIA has launched an investigation into the incident under Articles 151 and 236, which include threatening and illegal purchase-storage-carrying of firearms.¹⁸

According to Levan Kartvelishvili, a member of a campaign team of Levan Khabeishvili, a majoritarian candidate of the UNM-UOPU in **Tbilisi**, he was physically assaulted on October 11, for wearing a party T-shirt, as a result of which he received body injuries. According to the MIA, the investigation was launched under Article 126, Part 1¹ subparagraph "B" of the Criminal Code of Georgia, which stipulates group violence.¹⁹

According to Oktai Skandarava, a member of European Georgia, he was attacked on October 11 in the village of Karajarali of **Gardabani** Municipality. According to the MIA, the investigation was launched under Article 126 of the Criminal Code, which stipulates violence.²⁰

According to reports, on October 20, in the village of Javshaniani of **Bolnisi** Municipality, Mamed Shamilov, the chairman of the 59th Bolnisi PEC, first verbally and then physically assaulted a teacher from the same village who supports Kakha Okriashvili.²¹ In a conversation with a LTO of TI Georgia, Shamilov denied the fact of physical abuse.

On September 29, as part of pre-election monitoring an LTO from International Society for Fair Elections and Democracy (ISFED) was observing the meeting of the Lelo for Georgia candidate in the village of Sabatlo in **Dedoplistskaro**. The party car was reportedly stopped by strangers and prevented from moving freely. The ISFED observer tried to videotape the events, but was restricted from doing so by the brother of the so called village trustee and a local shopkeeper, who asked for permission to film. Later he threatened the observer and told him he would not be able to leave the village.²²

On September 9, in **Zugdidi**, the political party Lelo for Georgia nominated majoritarian candidates in Samegrelo constituencies. The event was held in the yard of Dadiani Palace, attended by party leaders and their supporters. At the meeting, Mamuka Khazaradze, the leader of Lelo for Georgia, was confronted by several citizens, who were accusing him of persecuting the National Movement of the 1990s. They also complained about the activities of TBC Bank.²³ As

17 "A car of Kakha Okriashvili's supporters was damaged - UNM", Netgazeti,19.10.2020, <https://netgazeti.ge/news/490446/>

18 "Threat to UNM member's son - family demands arrest of Levan Salakaia", Main Channel, 1.10.2020, <https://bit.ly/3k3PEge>

19 "According to a member of Khabeishvili's staff, he was beaten on political grounds", Netgazeti,12.10.2020, <https://bit.ly/2SYtwrl>

20 "The Ministry of Internal Affairs has launched an investigation into the beating of members of the UNM and European Georgia election headquarters", Publika,12.10.2020, <https://bit.ly/358Epgi>

21 "Another attack on Kakha Okriashvili's staff member - what is happening in Bolnisi", Facebook page of the Main Channel,20.10.2020, <https://www.facebook.com/TvMtavari/posts/447608329942616>

22 "ISFED observer obstructed", isfed.ge, 30.09.2020, <https://bit.ly/3IT1tX4>

23 "There was a small incident during the nomination of Lelo majoritarian candidates in Zugdidi", Radio Atinati, 9.09.2020, <https://bit.ly/2H34CEO>

it turned out, the protesters were employees of budgetary organizations. Madonna Makatsaria - Director of the Library Management Center, Roland Makatsaria - an employee of the Municipal Library and the employees of cleaning service were among them.²⁴ Administrative proceedings have been initiated in the Zugdidi District Police Division under Article 166 of the Code of Administrative Offenses, which stipulates petty hooliganism.

On September 13, Lasha Gvasalia, the head of the Samegrelo-Zemo Svaneti State Representative's Office, was accused by the Lelo for Georgia party of threats and harassment. The party says that Gvasalia was insulting the female members of Lelo for Georgia threatening to make their personal life footage public. Lasha Gvasalia denied Lelo for Georgia's accusations and said that the members of the party had perceived the joke as insulting.²⁵

A few days earlier, on September 6, the leader of the Builder Strategy made a statement about blackmailing his party members with personal life footage. Giorgi Vashadze publicly stated that a member of his party had been threatened on September 6. As a result, Vashadze was summoned for questioning, but Vashadze demanded questioning in the presence of a judge.²⁶

On October 12, in **Tsalenjikha**, Dimitri Kvaratskhelia, a journalist of the local media, Jvari News, who was also the head of the press service of Lelo for Georgia's majoritarian candidate in Tsalenjikha, Chkhorotsku, Abasha and Martvili - Tamar Belkania, said that Gulbaat Kardava, a GD activist had contacted him and threatened to beat.²⁷

On October 16, in **Tbilisi**, Nino Gedenidze, a public relations officer at the National Library, said that a few days ago a Georgian Dream agitator came to her house to pressure her, indicating that she was working in public service.²⁸

According to European Georgia's Majoritarian candidate in Gori and Kaspi constituency, Levan Tarkhnishvili, he and the members of his headquarters were assaulted in **Mejvriskhevi**. According to European Georgia, the persons that assaulted them were drunk activists from the GD.²⁹ First, they plastered the posters of GD over Tarkhnishvili's and European Georgia's election posters. Afterward, they assaulted the party members. Representatives of the GD accused the European Georgia of provocation and called on the law enforcers to investigate the incident in a timely manner.³⁰

On October 18, in **Tbilisi**, the UNM-UOPU's Majoritarian candidate, Khatia Dekanoidze, wrote on her FB page about unlawful entry into her headquarters.³¹ Dekanoidze accused the State Security Service of breaking into her office and stated that the purpose might have been the installation of surveillance equipment.

24 "Lelo: Introducing the Employees of State-owned Nonprofit Organizations Who Tried to Disrupt Our Meeting in Zugdidi ", Radio Atinati,10.09.2020, <https://bit.ly/2SXNBi4>

25 "These Women are Miserable"- a high-ranking official of GD on Lelo and threatening with personal recordings", Main Channel,13.09.2020, <https://bit.ly/3o2oCbz>

26 "Our teammate is being blackmailed with personal life footage - Giorgi Vashadze", Main Channel,6.09.2020, <https://mtavari.tv/news/15034-chven-tanagundels-piradi-tskhovrebis-kadrebit>

27 "Lelo - "Sonder" threatened Gulbaat Kardava, a member of one of the Samegrelo constituencies", Interpressnews,12.10.2020, <https://bit.ly/3nYWhTp>

28 "She made a hint about my work - according to the employee of the National Library, the GD agitator was putting pressure on her", on.ge, 16.10.2020, <https://bit.ly/3ITBQFP>

29 "Several people attacked Levan Tarkhnishvili and members of his staff", formulaneews.ge, 16.10.2020, <https://formulanews.ge/News/38135>

30 An incident took place in Gori Municipality, in which the representatives of "European Georgia" and "Georgian Dream" blame each other ", First Channel,16.10.2020, <https://bit.ly/35aU4Mn>

31 "Dekanoidze: State Security Service entered our headquarters and my office to install equipment", Tabula,18.10.2020, <https://bit.ly/37pThKh>

Enzel Mkoyan, an incumbent majoritarian from the GD in the Ninotsminda - Akhalkalaki constituency, spoke about the pressure exerted on him. Mkoyan was no longer nominated by the GD for the 2020 parliamentary elections and was registered as an independent candidate. Mkoyan told TI Georgia that he had been twice summoned to the Akhalkalaki State Security Service in July, where he met with Soso Meskhi, the regional head of this agency, and his deputy, Taras Shevchenko. They asked him to leave politics. On August 21, his brother's car was exploded, which Mkoyan also links to the process. Mkoyan also considered entry of investigative bodies of the Ministry of Finance into his brother's company (SG Gas Company) as an attempt to intimidate him.

1.2. INCIDENTS THAT OCCURRED DURING THE ELECTION DAY

On October 31, a physical confrontation took place between activists of different parties near Public School #39 in **Gldani**, where 3 polling stations were located.³² A representative of TI Georgia was on the territory at that time, observing the developments on the ground. As a result of the confrontation, TV Pirveli journalist Ana Akhalaia was injured. Also, Mindia Gabadze, a journalist of the online media Publika, who was filming the situation on the ground with his mobile phone, was beaten and her mobile phone was thrown out of his hand. It is noteworthy that there were several episodes of physical confrontation at this school during the day and the police arrested 6 persons administratively.³³

On October 31, in parallel with the parliamentary elections, a snap mayor election was held in **Kutaisi**. Labor Party mayoral candidate Irakli Kikvadze said he had been beaten outside polling station #37. According to a witness, about 15 people physically confronted Kikvadze.³⁴ According to the MIA, the investigation was launched under the third part of Article 162 of the Criminal Code, which stipulates violence or threats of violence in the polling station, at election commissions or in their vicinity, or during the pre-election campaign. Irakli Kikvadze did not trust the investigation and stated: "My accomplice and I were interrogated, the other side was not interrogated, after that, of course, I do not trust the investigation. Moreover, on that day, the police were a kind of ally of offenders. The police released those who were beating me then they were asking me who was beating me."

The fact of physical confrontation also took place in #52 polling station in Dashtapi village and #89 in Kizilajlo village of **Marneuli** municipality.³⁵ According to the MIA, the investigation was launched under Article 126 of the Criminal Code, which stipulates violence.

A physical confrontation also took place near **Zugdidi** #80 polling station. Representatives of both the UNM and the GD were involved in this process. As it turned out, the representatives of the UNM accused the representatives of the GD of illegal campaigning, which led to the conflict.

³⁶

About five people physically assaulted a TI Georgia observer near **Rustavi** #6 polling station. The MIA launched an investigation into the case and questioned the observer.

32 "Physical confrontation continues in Gldani", Formula, 31.10.2020: <https://bit.ly/3n1qEaU>

33 Statement of the Ministry of Internal Affairs, 31.10.2020: <https://bit.ly/3gPKdkp>

34 "Mayoral Candidate Beaten on the Territory of Kutaisi Polling Station", Kutaisi Post, 31.10.2020: <https://bit.ly/3qxzMq7>

35 "Revealed facts of physical confrontation, control of voters' will or violation of secrecy of voting", Radio Liberty, 31.10.2020: <https://bit.ly/3otzDSS>

36 Statement of the Ministry of Internal Affairs, 31.10.2020: <https://bit.ly/3gP0Lc8>

1.3. INCIDENTS THAT OCCURRED AFTER THE ELECTION DAY

On November 1, the second day of the elections, it was reported that Merab Okriashvili, the cousin of Kakha Okriashvili, the majoritarian candidate of the UNM-UOPU, was wounded in **Dmanisi**. Merab Okriashvili is the head of the Dmanisi headquarters of the UNM-UOPU and the chairman of the Dmanisi City Assembly. Dimitri Shashkin, a member of the UNM, made a statement to the media regarding the incident. According to Shashkin,³⁷ the incident was connected with the political processes, which was also confirmed by Kakha Okriashvili.³⁸ The case is being investigated under Articles 236 and 118 of the Criminal Code, which provide for the unlawful purchase, possession, carrying and using of a firearm and intentionally inflicting less severe damage to health.³⁹

2. DESTRUCTION OF POLITICAL PARTY PROPERTY AND CAMPAIGNING MATERIALS AND LAW ENFORCEMENT RESPONSE TO THEM

The office of Levan Khabeishvili, the UNM-UOPU majoritarian candidate, came under attack in Samgori, Africa Settlement. According to Khabeishvili, the incident took place late at night on September 17. According to him, there were two persons who most likely threw bricks at the office building and smashed the windows.⁴⁰

On September 23, in **Bolnisi**, the election headquarters of Kakha Okriashvili, a majoritarian candidate of the UNM-UOPU, was attacked, video surveillance cameras were damaged, and insulting words were written on the walls.⁴¹

On September 27, **Adjara** office of the UNM-UOPU announced that their election banners had been damaged by unknown individuals. Banners were taken down in three villages - Charnali, Dologan and Akhalsopeli.⁴²

According to Otar Kakhidze, the majoritarian candidate of European Georgia in **Kutaisi**, bricks were thrown at his party office on October 12.⁴³

On the night of October 13, in **Bolnisi**, the office of Kakha Okriashvili, the UNM-UOPU, was broken. Computer equipment was taken from the office. An investigation has been launched into the case.⁴⁴

On November 16, it was reported in the media that the election office of Nika Melia, a majoritarian candidate of the UNM-UOPU in the Gldani constituency, was burned.⁴⁵ According to the owner of the building, the fire started at 6 o'clock in the morning. He linked this fact to political

37 “Kakha Okriashvili’s cousin was wounded in Dmanisi, he will be transferred to Tbilisi: Shashkin”, Netgazeti, 01.11.2020: <https://bit.ly/3ozQkMx>

38 “The Ministry of Internal Affairs has launched an investigation into the wounding of Kakha Okriashvili’s cousin”, Publika, 01.11.2020: <https://bit.ly/2ImOgAc>

39 Ibid.

40 “Levan Khabeishvili’s headquarters was attacked”, Netgazeti, 18.09.2020, <https://netgazeti.ge/news/482614/>

41 “United Opposition Headquarters Attacked in Bolnisi”, Main Channel, 23.09.2020, <https://bit.ly/2H7zsfC>

42 “Election banners of UNM majoritarian candidates were torn down”, Batumelebi, 27.09.2020, <https://bit.ly/2T2M3DA>

43 “Bricks were thrown at the office of European Georgia in Kutaisi”, Tabula, 13.10.2020, <https://bit.ly/357nc70>

44 “Okriashvili’s headquarters was raided in Bolnisi, equipment was confiscated - UNM”, Netgazeti, 14.10.2020, <https://netgazeti.ge/news/489485/>

45 “Nika Melia’s office in Gldani was attacked and burned”, Formula, 16.11.2020: <https://bit.ly/3otXMbT>

processes.⁴⁶ According to eyewitnesses, law enforcement officers took out so-called “Molotov cocktails” from the scene of the incident. An investigation has been launched into the case under Article 187 of the Criminal Code, which stipulates damaging or destroying private property.

Recommendations

- During the pre-election period, the investigative bodies should investigate as soon as possible and impartially the cases containing alleged violence, pressure and other signs of crime against the parties involved in the elections;
- The MIA should proactively and promptly publish information on the progress and results of election-related investigations.

3. USE OF WATER CANNONS AGAINST DEMONSTRATORS GATHERED AT THE CEC

On November 8, a protest rally was held in front of the parliament,⁴⁷ where the leaders of the opposition party expressed distrust in the results of the October 31, 2020 elections on the grounds of falsification. The rally was later moved to the CEC building. The protesters demanded the resignation of CEC Chairperson Tamar Zhvania, the re-appointment of elections and the release of “political prisoners”.

At a rally near the CEC, where a small number of people were standing, law enforcement officers initially used water cannons without proper reasoning and warning.⁴⁸ It was later reported that tear gas was also used, but this information was denied by the MIA.⁴⁹ The police started warning the people only after the mentioned fact was followed by a negative assessment in society.

According to the law, the police can use coercive measures only when necessary and with the intensity that ensures the achievement of a lawful purpose.

Prior to the use of physical force or special means, the police are obliged to warn the persons and give them a reasonable period of time to comply with its lawful request. In turn, the use of tear gas and water cannons is allowed to prevent mass disturbances, to repel mass and group attacks on police officers or government facilities. In view of all the above, the actions of the police can be considered as a gross violation of the constitutional right to assembly and demonstration.

During the protest rally, professional activities of media representatives were also hindered, some of them were injured and their technical equipment was damaged.⁵⁰

TI Georgia assessed the incident the same night and called on⁵¹ the state to allow citizens to protest in a peaceful and free environment.

46 “Nika Melia’s election office was burned in Gldani”, Rustavi 2, 16.11.2020: <https://bit.ly/36OaZ9x>

47 “19 Detained As Police Used Water Cannons Against Election Rally in Tbilisi”, civil.ge, 09.11.2020: <https://civil.ge/archives/381427>

48 “Police used water cannons against protesters in front of the CEC building”, Radio Liberty, 08.11.2020: <https://bit.ly/3qGqwjl>

49 “Briefing of the First Deputy Minister of Internal Affairs - Kakhaber Sabanadze”, 08.11.2020: <https://bit.ly/3IRZaTQ>

50 Statement of TI Georgia, 10.11.2020: <https://bit.ly/3a0atY7>

51 Statement of TI Georgia,, 08.11.2020: <https://bit.ly/39Mpnko>

4. DISMISSAL OF EMPLOYEES ALLEGEDLY ON POLITICAL GROUNDS

From July 1 to September 4, in **Ninotsminda** Municipality, 22 employees of the City Hall and various state-owned nonprofit organizations resigned. According to Enzel Mkoyan, an independent majoritarian candidate, many of the dismissed people were his supporters and because of that they were forced to resign. Of the 22 fired, 6 were City Hall employees⁵² and two were directors of municipal nonprofit organizations.⁵³ According to Ninotsminda City Hall, they resigned based on their own statement. The other 14 released persons were the mayor's representatives in the territorial unit (so-called village trustees), whose contracts expired and were not extended. The case was reviewed by the IACFFE, where a City Hall representative explained: "several senior staff members had resigned on their own initiative, and some left their jobs as their contracts expired. In particular, the issue concerns 6 officials over the age of 70, who on their own initiative applied to the Mayor for dismissal. An administrative contract was earlier signed with the other 12 employees and by the decision of the Mayor their term was not extended (this is his legal authority)." However, several dismissed individuals told TI Georgia that they were forced to write a statement because they were supporters of Enzel Mkoyan.

On September 7, **Kvareli** Municipality Mayor Rostom Sesiashvili fired Tamar Gigiashvili, the director of the Kvareli Music Schools Association. Her husband, Tornike Molashvili, is a supporter of Giorgi Botkoveli, a majoritarian candidate from the UNM-UOPU. Molashvili considers the reason for dismissal of his wife to be the support and the placement of Botkoveli banner on his house. According to the Mayor, Rostom Sesiashvili, he has the authority to dismiss the head of the municipal nonprofit organizations, which in this case he considered necessary and it was not political persecution.⁵⁴

The contract of Dodo Chotorlishvili, the acting principal of the public school in the village of Ksani, **Mtskheta** Municipality, was not renewed after the expiration of her term of office. She said that other directors who were biased in favor of the government and the ruling party have extended the contract while she was not among them. The former director says she is being punished for the political sympathies of family members. According to Dodo Chotorlishvili, his son is not in any party, but he supports and helps the majoritarian candidates of the UNM-UOPU - Kakha Okriashvili and Tsezar Chocheli.⁵⁵

Ramin Chitashvili, the former director of Tserovani Public School No. 3, also spoke about his dismissal on political grounds. According to him, the reason for his dismissal was the affiliation and support of Tsezar Chocheli. Chitashvili is a cousin of Tsezar Chocheli. Like Dodo Chotorlishvili, his contract was not extended after his term expired. Chitashvili says that before each election he was asked to make lists of supporters and opponents of the ruling party, which he used to refuse to do.⁵⁶

52 Dismissed employees: 1. Head of the primary structural unit - Head of Culture, Education, Sports, Monument Protection, Youth Affairs and Tourism Service, worked since 2014; 2. Head of the secondary structural unit - Head of the Department of Education, Culture and Monument Protection, worked since 2010; 3. Junior specialist of the second category - in the field of education, culture and protection of monuments, worked since 2016; 6. Senior Specialist of the third category - Supervision and Response, worked since 2016.

53 Directors of the municipal nonprofit organizations "Sports School" and "Communal Improvement and Cleaning Service".

54 "Kvareli Mayor fired an opposition supporter", Radio Hereti, 12.09.2020, <https://bit.ly/31mokCD>

55 "I am punished for the political sympathy of family members | What the former director says", Publika, 13.10.2020, <https://bit.ly/356W8Vp>

56 "Tamar Chikhladze" Daily News - "Ramin Chitashvili", TV Pirveli Facebook page, 13.10.2020, <https://bit.ly/3o8cRRd>

5. REVIEW OF ELECTION DAY AND POST-ELECTION COMPLAINTS

Various developments, identified violations, and the litigation process during the Election Day and post-election period is also worth mentioning. From the second day of the elections, the opposition political parties started speaking about the alleged falsification of the election results. Such allegations were mainly driven by the existence of numerous instances of imbalance in the results summary protocols compiled by PECs. Doubts were further increased by unsubstantiated and often inadequate decisions on complaints and appeals by the superior election commissions (district and central election commissions) and the courts. In the end, the vast majority of complaints and lawsuits filed by various entities remained either rejected or unshared.

Particularly problematic was the refusal of DEC and the CEC to satisfy legitimate requests for recounting of ballot papers of polling stations. According to the CEC, from October 31 to November 20, the total number of complaints submitted by local observer organizations amounted to 633, of these 492 (77.73%) were legally correct (submitted following the deadline and rules of appeal), out of which 178 (36.18%) were upheld/partially upheld and 311 (63.21%) were not upheld, one (0.20%) complaint was submitted to the relevant entity for further response and two (0.41%) complaints were withdrawn by the nominating organization. Complaints that were legally incorrect (submitted by violating the deadline and rules of appeal) amounted to 141 (22.27%).⁵⁷

As for the complaints submitted by the election subjects - on E-day and the following days, in total, 1 459 complaints were submitted at the DECs. Out of the complaints submitted by the election subjects 484 (33.17%) were legally correct (submitted following the deadline and rules of appeal), out of the mentioned number 94 (19.42%) were upheld/partially upheld and 387 (79.96%) were not upheld, one (0.21%) was transferred to the relevant entity for further response, two (0.41%) complaints were withdrawn by the nominating organization. Complaints that were legally incorrect (submitted by violating the deadline and rules of appeal) amounted to 975 (66.83%).⁵⁸

The situation was similar in different instances of the court. For example, TI Georgia has requested the annulment of election results and recount of ballots of 41 precincts in the courts. The courts did not grant the request in the case of 39 precincts. A total of 22 complaints were filed by our organization in the Court of Appeals, but none of them were upheld. Detailed information on the violations revealed by TI Georgia on Election Day and their appeal is provided in the following subsection.

5.1. VIOLATIONS REVEALED ON ELECTION DAY

TI Georgia reported a total of 170 violations on Election Day and filed 46 complaints. The complaints concerned procedural violations, of which only 5 were upheld.

One of the complaints was upheld by the Tskaltubo #58 DEC,⁵⁹ where we asked to annul the results of the mobile ballot box in one of the polling stations due to an incomplete voter list. In the other four cases, PEC members were penalized for various violations.

57 General Statistics on Complaints Submitted at District Election Commissions, the CEC, 20.11.2020: <https://bit.ly/3nrSx0X>

58 Ibid.

59 Ordinance N76 / 2020 of #58 Tskaltubo District Election Commission, 02.11.2020: <https://bit.ly/2LeKstB>

5.2. COMPLAINTS CONCERNING IMBALANCES IN SUMMARY PROTOCOLS

On the second day of the elections, November 1, it was revealed that the existence of imbalances in the summary protocols had a tendency. Accordingly, TI Georgia checked the balance of an unprecedented number of protocols and prepared complaints.

The staff of the organization checked a total of 2,500 summary protocols of the proportional elections. More specifically, the summary protocols of all precincts of Tbilisi and every second precinct of other regions were checked.

The methodology to file a complaint was as follows. If the sum of invalid and genuine ballot papers turned out to be more even by one than the number of voters participating in the election, this was the basis for writing a complaint. Moreover, if the sum of invalid and genuine ballot papers turned out to be less by at least 20 than the number of voters participating in the election, this also was the basis for writing a complaint. Based on this methodology, a total of 61 complaints were prepared and submitted to the relevant DEC.

Complaints were prepared regardless of whether the summary protocol was accompanied by a correction protocol. Although the law allows for the correction of shortcomings in the correction protocol on the second day of the election, the process conducted by the DEC did not meet even a small standard of transparency. The observer organizations did not have information about the drafting of such protocols, therefore, this process could not be monitored. Moreover, in Zugdidi DEC, our representative, who was going to attend the process of drafting the correction protocols, was not allowed to enter the building.

5.2.1. REVIEW OF COMPLAINTS IN DECS

The process of reviewing complaints in the DECs was mainly against the background of noise and tension. DEC members, compared to previous years, were particularly aggressive and abusive towards observers. In some cases, the problem was in commissioners' qualifications.

Eventually, out of 61 complaints filed with DECs, the results were recounted in only 2 precincts, requests in the case of 40 precincts were not upheld, and 19 of our complaints remained unconsidered.

Precincts where ballots were recounted

Saburtalo district

The process of recounting the ballots of #03.03.52 precinct in Saburtalo district of Tbilisi was interesting. Due to the fact that according to the summary protocol, the sum of invalid ballots and genuine ballots was 92 less than the number of voters who came, we appealed the summary protocol of the precinct, demanded the invalidity of the results and recount of ballots. Saburtalo DEC did not uphold our complaint "due to lack of sufficient grounds".⁶⁰ However, on exactly the same grounds, at the same meeting, the DEC opened and recounted ballots by its own initiative.⁶¹ The recount showed that:

- Giorgi Vashadze - the Builder Strategy got 33 votes instead of 3 - the number that was written in the summary protocol;
- Aleko Elisashvili - the Citizens got 42 votes instead of 2 - the number that was written in the summary protocol;

60 Ordinance N 94/2020 of #3 Saburtalo District Election Commission, 04.11.2020: <https://bit.ly/37J2ziX>

61 Ordinance N 95/2020 of #3 Saburtalo District Election Commission, 04.11.2020: <https://bit.ly/37V7E83>

- Davit Tarkhan-Mouravi, Irma Inashvili – the Alliance of Patriots got 21 votes instead of 1 – the number that was written in the summary protocol.

The protocol was amended according to the changed circumstances. While we were appealing to 7 other precincts in the same district on exactly the same grounds, the other precincts were not opened and recounted, which was odd.

Didube district

At polling station #06.07.25 in Didube, it was found that there were 19 ballot papers less in the ballot box, they were considered missing and the DEC corrected the summary protocol.

Batumi district

In the summary protocol compiled at Batumi #28.79.19 polling station, the data of virtually all subjects were incorrectly filled in. The data was corrected as a result of the recount.

Complaints left unconsidered

TI Georgia has filed complaints based on the same standard throughout Georgia. Most DEC considered that the complaints were filed in full compliance with the requirements of the law and considered the complaints. However, part of them (8 DEC) considered that the complaints were not filed by an authorized person and left them unconsidered on this ground.⁶² Such DEC, which considered the existence of a power of attorney issued by the organization to be necessary, got them at relevant sittings, but nevertheless, the complaints were left unconsidered. Such an action of DEC was illegal and inconsistent.

Complaints that were not upheld

DEC did not uphold our 40 complaints out of 61. The grounds for rejection were mostly formalistic and unsubstantiated. There were two cases where the representatives of the organization withdrew the request on their own initiative because blur numbers on copies of summary protocols became clearer after revealing the original documents.

5.2.2. REVIEW OF APPEALS IN DISTRICT / CITY COURTS

TI Georgia has demanded the annulment of summary protocols and recount of ballots of 41 polling stations in the courts. The courts did not uphold the request in the case of 39 precincts.

The court instructed the DEC to recount the ballot papers in only 2 cases:

- As a result of recounting the ballots of Khelvachauri #30.82.39 precinct⁶³, it turned out that one more ballot paper belonged to the Georgian Dream;
- At #28.79.85 polling station⁶⁴ in Batumi, it turned out that “Girch” had received 4 votes instead of 36.

The results were corrected in both cases according to the existing reality.

62 Statement of TI Georgia, 01.11.2020: <https://bit.ly/36Q1g2y>

63 Summary Protocol of the Precinct #30.82.39: <https://bit.ly/3lQTKCh>

64 Summary Protocol of the Precinct #28.79.85: <https://bit.ly/33P3Aok>

5.2.3. REVIEW OF APPEALS IN DISTRICT / CITY COURTS

TI Georgia has appealed particularly important cases in the courts of appeal. In addition, the organization later refused to appeal the results of Kutaisi # 2.58.57 precinct⁶⁵. At this polling station, a record book was opened at the Kutaisi City Court and the grounds for the imbalance in the protocol were verified. It turned out that the data recorded in the correction protocol were true. Therefore, this district was no longer appealed in the Kutaisi Court of Appeal.

A total of 22 complaints were filed by the organization in the Court of Appeals, but none were upheld.

5.2.4. CONSIDERATION OF THE COMPLAINT AND LAWSUITS FILED ON THE FACT OF FALSIFICATION IN ONE OF THE POLLING STATIONS IN MARNEULI

On Election Day one of the observers of TI Georgia who was deployed in Marneuli #13.22.65 polling station noticed that two people had cast their ballots at least 15 times. The observer even recorded⁶⁶ with a video camera the fact that the same person voted three times. Such solid evidence of election fraud has not been recorded by our election observation mission in any of the elections, so it was very important that this fact should have been given due attention by the relevant agencies.

The video clearly shows that a person in the polling station, who moves with a special badge, goes to the registrar three times in a short period of time, then enters the secret voting booth and finally puts the sheet in a special envelope and throws it in the box. It is clear from the video footage that the actions of this person were not only prevented by the members of the PEC, but even facilitated.

TI Georgia appealed⁶⁷ the summary protocol of the polling station and demanded the annulment of the polling station results, but the complaint was not upheld in any of the instances. The organization also appealed⁶⁸ to the Prosecutor General's Office to launch an investigation, but so far our statement has not been responded to.

The readiness to make an objective assessment of the fact and make a legal decision, unfortunately at any stage of the dispute, has not been shown by any public institution.

The dispute in Marneuli DEC:

The hearing in the Marneuli DEC was a formality. Although the video submitted to them clearly showed the fact that the same person had voted multiple times, the complaint was not upheld.⁶⁹ The ruling dismissing the complaint was not only unfounded but also contradictory:

- The DEC initially explained that it had reviewed the submitted video and had “made a decision to impose disciplinary action on the ballot box supervisor”;
- According to the DEC resolution, it was decided to impose disciplinary liability because “the authenticity of the submitted evidence cannot be established”;
- In the same resolution we read: “Based on the above, the Commission considers that this action does not constitute a gross violation of the election law, which could affect the free will of the voters, the voting results and / or the exercise of the right to vote”;

65 Summary Protocol of the Precinct #22.58.57: <https://bit.ly/37Dq5xG>

66 Video recording released by TI Georgia, 31.10.2020: <https://bit.ly/2lkyGwL>

67 Complaint of TI Georgia, 02.11.2020: <https://bit.ly/37JhZn4>

68 TI Georgia's appeal to the Prosecutor General's Office, 04.11.2020: <https://bit.ly/2JZvbfK>

69 Ordinance N 62/2020 of #22 Marneuli District Election Commission:: <https://bit.ly/37Dxi0F>

- Interestingly, the male member of the PEC, Sayat Karabaghli, was sanctioned, but all three videos show that the member of the commission supervising the ballot box is a woman.

Due to such an incomprehensible decision, the dispute was moved to Bolnisi District Court.

The dispute in Bolnisi District Court:

The trial lasted for almost 4 hours in Bolnisi District Court. Judge Tea Leonidze considered the case. Irakli Chikovani, an observer of the organization, was questioned as a witness at the trial, who recorded the fact of election fraud at the polling station. Chikovani described in detail the events at the polling station on Election Day:

- The person, who repeatedly voted, was present at the polling station throughout the day. He actively contacted people both at and outside the polling station, which made Irakli Chikovani feel that he knew most of them well;
- As Georgian mostly was not spoken at the polling station, Irakli Chikovani had no information about the content of this person's communication with other people;
- The chairman of the PEC was aggressive towards one of the observers at the polling station, who noticed other violations. This observer started crying because of the pressure exerted;
- Irakli Chikovani made the video secretly. He was holding his mobile phone in such a way that the fact of video recording was not noticeable to other persons;
- It should also be noted that he explained that he did not feel safe due to the tense situation in the polling station, which is why the organization decided to remove him from the polling station after the video was made public.

Irakli Chikovani talked to the DEC members about the detected violations before leaving the polling station, but received an ironic answer from them that the video recording meant nothing and he could not prove anything even if he complained about the fact.

In response to Chikovani's testimony, the representatives of the Marneuli DEC made the following explanations:

- They said they did not question the "authenticity" of the video. In their position, they referred to the term "authenticity" in the resolution meant that the record did not clearly show the fact of multiple ballot box stuffing;
- They assumed that the person was not even throwing the special envelope in the box, but might just be knocking on the box;
- The question of why a male member of the PEC was sanctioned when the video showed a female member of the commission supervising the box, was left unanswered;
- The DEC also suggested that the person recorded in the video might indeed have thrown the ballots into the box several times, although it has not been proven that these papers were indeed ballot papers;
- On the question - if any unknown paper was removed from the ballot box after opening it, the DEC representatives said that they had not investigated the matter.

Bolnisi District Court spent 2 hours in the deliberation room, and finally our request for annulment of the results was not granted.⁷⁰ Marneuli DEC was only instructed to recount the ballots. The same court considered as factual circumstances the fact that one person had put certain documents in the box at least three times, but assumed it might not have been the ballot papers.

TI Georgia appealed the decision to the Tbilisi Court of Appeals and again demanded the annulment of the results of the polling station. During this period, the Marneuli DEC implemented the decision and opened the sealed documents. Our representative was also present at the process, where it was found out that no unknown documents were stored in the sealed documents. This fact once again confirmed the fact of ballot stuffing and falsification.

Dispute in Tbilisi Appeal Court:

Judge Dimitri Gvritishvili⁷¹ was the rapporteur on the case at the Tbilisi Court of Appeals. He is one of the main representatives of the group of influential judges in the judiciary and has participated in many disputed decisions. Despite the unequivocal evidence in the case, the Court of Appeals did not grant our request.⁷²

TI Georgia has submitted additional evidence to the court - the precinct recount,⁷³ which shows that no document other than the ballot paper was removed from the ballot box, indicating a clear case of fraud at the precinct.

It should be noted that the court of first instance found the fact of repeatedly throwing the documents in the box as established. This circumstance was not appealed by any party at the stage of the Court of Appeals. Nevertheless, the Court of Appeals reversed this factual circumstance and clarified that the fact that the documents had been repeatedly placed in the box had not been substantiated.

The decision of the Tbilisi Court of Appeals states that:

- The court could not objectively identify “whether the same person enters the polling station and throws any document in the box several times.” No further arguments regarding this fact were given in the judgment;
- The court did not consider the testimony of the witness credible because the witness, according to the court, could not prove the existence of a dangerous environment at the polling station. To support this argument, the court pointed out that witness Irakli Chikovani was filming the video for everyone to see.

In this part, the court erroneously and incompletely stated a testimony of the witness. Irakli Chikovani explained at the trial that he was trying to shoot the video unnoticed and holding the phone in such a way that this fact would not be noticeable to the people there.

Based on the analysis of the mentioned events, it can be said that despite the clear and unequivocal evidence presented by the organization, none of the instances of dispute resolution has made an objective decision. As a result, despite the unequivocal fact of falsification, the results of the polling station where the Georgian Dream party won remained in force.

70 Decision N3 / 117-20 of Bolnisi District Court, 06.11.2020: <https://bit.ly/39O9idS>

71 “How the Court is Managed, Dimitri Gvritishvili”, TI Georgia, 13.06.2017: <https://bit.ly/36LFIns>

72 Judgment of the Tbilisi Court of Appeal, 08.11.2020: <https://bit.ly/3n1w7OY>

73 Ordinance N 72/2020 of #22 Marneuli District Election Commission: <https://bit.ly/3oytaGh>

Recommendations

- The Prosecutor’s Office of Georgia should quickly investigate the fact of election fraud in Marneuli #13.22.65 polling station;
- The law should prescribe the specific cases when the DEC’s will be obliged to recount the ballot papers received from the PECs;
- DEC’s should develop uniform practices for receiving and reviewing complaints.

6. THE PROCESS OF SELECTING PROFESSIONALLY APPOINTED MEMBERS OF DECS AND PECs

According to the amendments to the Electoral Code adopted on July 2, 2020, “it is inadmissible to elect a person as a commissioner of the PEC, who in the last general elections was appointed as a commissioner at any level by a political party.”⁷⁴ There was a massive violation of this new requirement of the law by the Zugdidi N67 DEC. The commission appointed 642 members to the subordinate PECs, of which 102 members were appointed by political parties during the 2018 presidential elections (97 members by the GD, three members by the UNM, one member by the European Georgia, one member of the Alliance of Patriots).

In addition to the above-mentioned obvious violations, professionally appointed members of DEC’s and PECs are often in some way affiliated with the current government, work in budgetary organizations, or have close ties to representatives of the ruling party. Such ties are not qualified by the law as a conflict of interest and therefore not restricted, although they reduce trust in the electoral process and are considered a vicious practice. Also, in many cases, it was known in advance which of the PEC members would be elected as commissioners.

Recommendation

- There is a need for more regulation of the process of filling the positions of professionally appointed members of the election commissions and the establishment of clear qualification requirements. Proper procedures for selecting candidates should be developed to minimize the chances of political party activists being appointed to these positions.

7. THE CASE OF CARTOGRAPHERS

On October 7, the Office of Prosecutor General of Georgia arrested former members of the Government Commission on Delimitation and Demarcation, who were charged with violating Georgia’s territorial integrity. The timing of the investigation, the pre-election context, the signs of a selective approach to the investigation and the populist statements made by the ruling party leaders violating the presumption of innocence raise suspicions that the investigation serves electoral purposes and is aimed at creating public misconceptions about political opponents.

The essence of the case

In 1994, the Government Commission for Delimitation and Demarcation of the State Border was established. Georgia and Azerbaijan agreed to be guided by a 1: 500,000 scale map drawn

74 Part 2 of Article 24 of the Election Code.

in 1938 when demarcating the border. As a result of the Commission's activities in 1996-2007, the parties agreed on approximately 66% of the border area - 303 km - at the level of the Commission. The prosecution claims that Iveri Melashvili and Natalia Ilychova intentionally did not follow the 1:200,000 scale maps published in 1936-1938 while working for the commission, resulting in leaving a 34.8 square kilometer of territory outside the borders of Georgia. Iveri Melashvili and Natalia Ilychova deny the accusation. According to them, after studying and analyzing the 1:200,000 scale topographic map compiled in 1937-1938, it was determined that the map was defective and therefore unfit for use. They link their arrest to the upcoming elections and an attempt to discredit the activities of the previous government.

What are the shortcomings of the charge?

We believe the accusations against Iveri Melashvili and Natalia Ilychova are ungrounded, they do not stem from the evidence provided and the investigation is one-sided due to the following circumstances:

- 1. Hastily conducted investigation:** The investigation began on August 17, 2020, and the prosecution arrested the accused persons on October 7. Although dozens of witnesses have been questioned in the case, there is no direct evidence to prove the guilt of Iveri Melashvili and Natalia Ilychova. Moreover, the prosecution did not wait for a response from part of the appointed expertise and made the decision to detain the persons based on one-sided assessment of the evidence.
- 2. Lack of forensic report:** There is no forensic report in the case to prove that the maps created by Iveri Melashvili and Natalia Ilychova and approved by the commission contradicted the 1:500,000 scale map drawn up in 1938. Moreover, the prosecutor's office did not conduct an examination to verify the version of Iveri Melashvili and Natalia Ilychova and determine whether the 1:200,000 scale topographic map was really defective.
- 3. Contradictions in the testimony of prosecution witnesses:** There are contradictions in the testimonies of witnesses, with which the prosecutor's office is trying to prove the guilt of Iveri Melashvili and Natalia Ilychova. Television interviews with key prosecution witnesses, including Davit Khidasheli, differ from their testimonies. In addition, the prosecutor's office has not yet questioned the current high-ranking officials involved in the case. It is also interesting that Davit Khidasheli, according to media reports, is a person close to the Russian special services.
- 4. Manipulating the case of David Gareji and violating the presumption of innocence:** The accusation does not relate to the areas of Davit Gareji monastery complex. Nevertheless, senior officials, while commenting on the matter, stressed that the investigation had avoided the threat of losing David Gareji. Given the historical and cultural significance of David Gareji, it is clear that manipulating this sensitive topic serves to create public misconceptions and discredit opposition parties (representatives of the previous government). In addition, high-ranking officials ignore the presumption of innocence and do not shy away from accusing Iveri Melashvili and Natalia Ilychova of treason.
- 5. Violation of the principle of a fair trial:** According to Georgian legislation and international norms, defendants should be given sufficient time and opportunity to prepare their own defense. The request of the lawyers to immediately transfer the case materials was granted by the prosecutor's office with a delay of one day. The case file, consisting of seven volumes and more than 1,500 pages, was handed over to the defense about two hours before the hearing of the restraining order. The lawyers requested the postponement of the hearing, however, the judge did not grant the motion and considered that a few hours were sufficient for a thorough examination of the case file. At the trial, the judge said that unlike the lawyers, he was able to do so within a few hours.

6. Unjustified detention: Prosecutors cited the danger of hiding the accused, committing a new crime and obstructing the extraction of evidence as grounds for detention. The assumption of hiding and committing a crime was abstract and relied only on hypothetical assumptions. Prosecutors sought to substantiate the threat of obstruction of evidence by different interpretations of the case file. Despite providing obviously erroneous and misleading information, the judge ignored the factual circumstances of the case and shared the arguments of the prosecutors. The court of appeals upheld the detention of the accused, although neither of these decisions contained a justification for the detention.

In addition to the shortcomings identified in the investigation, it is important to consider the case in a broader context. An investigation is underway on an extremely sensitive topic for Georgian citizens during the pre-election period. Similar issues have been raised by the ruling party in during other elections, which might be aimed at misleading and influencing voters. The possible involvement of Russian-linked individuals in this case is particularly noteworthy and contains alarming signals. It is well known that it is in Russia's interests to interfere in Georgia's elections and stir up new hotbeds of destabilization, including by trying to strain relations between Georgia and Azerbaijan.

8. DISSEMINATION OF SECRET RECORDS OF LEADERS OF OPPOSITION POLITICAL PARTIES

On November 6, 2020, two secret audio recordings posted on the Ukrainian website www.obozrevatel.com were aired on Imedi TV. According to the Ukrainian website, in one of the video recordings, the conversation between Temur Alasania, the uncle of the former President of Georgia, Mikheil Saakashvili, and Gubaz Sanikidze, an opposition politician, was given. According to the content of the recording, Temur Alasania gives instructions to Gubaz Sanikidze on how the opposition should behave and what demands it should have after the elections. As for the content of the second post, here, presumably, Salome Samadashvili, a member of the UNM, expresses dissatisfaction with the formation of the party list.⁷⁵

The authenticity of the secret audio recordings disseminated by Imedi TV has not been found out. According to Salome Samadashvili, the recording is not authentic and it is a compilation of various conversations. She also said she would provide information to foreign diplomats about illegal interception and recording of her conversations.⁷⁶ According to the MP, the recording is actually spread by the Georgian Dream party and not by the Ukrainian website.⁷⁷

Giorgi Khelashvili, one of the GD parliamentary candidates, spoke about the recordings at a party briefing on November 7.⁷⁸ He focused on the content of the record and not on the illegality of its extraction and dissemination.

The Public Defender of Georgia Nino Lomjaria also responded to the fact, who spoke about the vicious practice of disseminating secret records in general and the problematic legislation in this regard.

75 "Samadashvili addresses diplomats on secret recordings", Netgazeti, 06.11.2020: <https://bit.ly/3ov2m9S>

76 "Samadashvili appeals to diplomatic missions for spreading secret phone recording", Radio Liberty, 07.11.2020: <https://bit.ly/37JTV3P>

77 "Samadashvili addresses diplomats on secret recordings", Netgazeti, 06.11.2020: <https://bit.ly/3ov2m9S>

78 Georgian Dream Considers Secret Records as Evidence of Crime, Radio Liberty, 07.11.2020: <https://bit.ly/3qxZ4EC>

In order to discredit the members of the opposition party, secret audio / video recordings were published in previous elections as well.⁷⁹ TI Georgia has been actively reporting⁸⁰ on this vicious practice in previous years' reports, calling on law enforcement agencies to conduct a prompt and effective investigation. Covert surveillance is a criminal offense. Unfortunately, such facts remain uninvestigated.

Recommendation

- The Prosecutor's Office and the State Security Service of Georgia should be as far away from political processes as possible and they should not be used for the purpose of discrediting any political force for electoral purposes.

9. THE CASE OF THE TENTS OF Giorgi Vashadze – THE BUILDER STRATEGY

The political party Giorgi Vashadze - the Builder Strategy has been collecting signatures since the end of June as part of its pre-election campaign to submit a legislative initiative to the parliament to regulate bank loans. The legislative initiative requires the signatures of 25,000 voters, for which party representatives set up light construction tents in crowded areas of the city, where citizens were given the opportunity to sign up to support the party initiative.

The Municipal Inspection of the City Hall considered the setting up of tents for signing as a violation of Article 150³ of the Code of Administrative Offenses (arbitrary change of the appearance of Tbilisi Municipality) and started imposing sanctions on the party. From June to date, protocols of violation in the amount of GEL 100,000 have been drawn up, to which new fines are added daily.

For correct interpretation of the law it is important that the political party has organized a protest against unregulated bank loans, for which it collects signatures, which is also a form of protest and at the same time can acquire the form of a petition.

Placing a tent during a protest rally is considered legal by common court practice, unless it blocks an administrative building or sidewalk. For example, the Tbilisi Court of Appeals in its decision #3b / 170-18⁸¹ of February 9, 2018, clarifies that “[a person] is guaranteed by law with the right to express his/her opinion publicly and peacefully in that part of the street and in the form he/she deems appropriate. It is possible to express an opinion not only through speeches, statements, but also in a silent form or by building **temporary constructions**, if it does not contradict the current legislation.” In 2016, in the case of Guerrilla Gardening,⁸² when the organization was asking to set up a tent in the square of their choice in front of the Tbilisi City Hall, the Administrative Board of the City Court gave a similar interpretation of the law: “The right of assembly and protest includes the right to choose the place, time, form, and content of the assembly, which considers it possible to place **temporary constructions**.” The law is explained in the same way in the decision #3 / 6098-18 of December 3, 2018, of the Administrative Board of the Tbilisi City Court, where the case concerned the legality of setting up a tent in front of the Parliament.

79 *Misuse of Administrative Resources during Electoral Processes: 2016 Parliamentary Elections in Georgia (Final Report)*, TI Georgia, 12.12.2016: <https://bit.ly/3mob3Bo>

80 *Misuse of Administrative Resources during Georgia's 2018 Presidential Elections (Final Report)*, TI Georgia, December, 2018: <https://bit.ly/3nAR1VP>

81 Judgment of the Chamber of Administrative Cases of the Court of Appeals of February 9, 2018 in the case of J.E. and Ts.G. against the Patrol Department of the Ministry of Internal Affairs of Georgia.

82 “Court found a violation of the right to peaceful assembly”, Georgian Young Lawyers Association, 9.5.2016, <https://bit.ly/3o3aeA3>

Therefore, the placement of tents by the political party Giorgi Vashadze - the Builder Strategy to protest is completely in line with the Law on Assemblies and Manifestations and imposing fines of tens of thousands of GEL is a violation of the right of assembly and protest and hampers the election campaign of the political party.

Recommendation

- Tbilisi City Hall should not restrict the right of political parties to assemble and demonstrate and repeal the fines levied on the Giorgi Vashadze – the Builder Strategy party.

CHAPTER III. MISUSE OF LEGISLATIVE ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

For the first time in the history of Georgia, the 2020 parliamentary elections will be held based on almost proportional system. If according to the previous system, 77 out of 150 deputies of the Parliament were elected proportionally, and 73 - by the majoritarian rule,⁸³ in 2020, 120 deputies will be elected proportionally, and 30 - by the majoritarian rule.⁸⁴

This amendment was accompanied by a difficult and lengthy process. The promise of the government to move to a fully proportional system stemmed from a large-scale protest after so called Gavrilov's Night^{85,86} Later it turned out that the government did not keep its promise and the draft amendment on proportional representation had failed.⁸⁷ This fact was again followed by large-scale and long-lasting protests.⁸⁸ The protests were led mainly by the Shame Movement.⁸⁹ With the active involvement of civil society activists, opposition parties, and international partners, the government was again forced to sit at the negotiating table. Finally, on March 8, 2020, the political parties agreed, among other things, to hold the 2020 parliamentary elections based on 120/30 ratio.⁹⁰ The agreement became a law on July 2, 2020.⁹¹

In addition to the electoral system, legislative reform addressed issues such as the misuse of administrative resources, political party funding, gender quotas, media regulations, election disputes, and more.⁹² TI Georgia has seen the changes as largely positive,⁹³ but there are still some key issues in the election law that work in favor of the ruling party and that the government has not shown the political will to address.⁹⁴ Such issues include the unfair rule of staffing election commissions and the improper procedure for selecting commission members on a professional basis. In addition, some questions were raised about the CEC's decision to regulate voting rights of persons infected with COVID-19, as well as persons in quarantine and isolation.

1. VICIOUS RULES AND PROCEDURES FOR STAFFING ELECTION COMMISSIONS

The rules for staffing election commissions have been a problem for years, and a number of local⁹⁵ and international⁹⁶ organizations have spoken of the need to reform it. In this regard, the

83 Part 1 of Article 109 of the Election Code [as of March 17, 2020]

84 Part 2 of Article 196 of the Election Code [as of 25.09.2020]

85 "What happened on June 20 in Tbilisi - in short", on.ge, June 22, 2020; Available: <https://bit.ly/3o70rj6>

86 "2019 - Protest, rallies, harsh signals", Radio Liberty, December 30, 2019; Available: <https://bit.ly/3jfyWt2>

87 "35 MPs of the Georgian Dream did not vote for the draft law on the proportional electoral system", Radio Liberty, November 14, 2019; Available: <https://bit.ly/3nVZdAq>

88 "From Dream to Reality", Voice of America, November 15, 2019; Available: <https://bit.ly/35d2CSM>

89 "Who are the organizers of the action #Shame", on.ge, June 28, 2019; Available: <https://bit.ly/3kit000>

90 Statement by the Facilitators on Political Dialogue in Georgia (March 8), US Embassy to Georgia; Available: <https://bit.ly/3jeVOcn>

91 Draft amendments to Election Code of Georgia ", Legislative Herald of Georgia, July 2, 2020; Available: <https://bit.ly/2TaqSPU>

92 Ibid.

93 What Has Changed in the Election Legislation, TI Georgia, July 6, 2020; Available: <https://bit.ly/388QhAp>

94 Ibid.

95 Statement of NGOs about the new rule of staffing of election commissions, TI Georgia, GYLA, ISFED, OSFG, June 7, 2017; Available: <https://transparency.ge/en/post/statement-ngos-about-new-rule-staffing-election-commissions>

96 Parliamentary Elections, October 8 and 30, 2016, Final Report, OSCE / ODIHR, February 2017; Available: <https://www.osce.org/files/f/documents/e/e/297551.pdf>

problem has been exacerbated by the legislative changes made to the Election Code in 2017. Although the problem existed before the changes, the regulations introduced in 2017 allowed the ruling party to have more members in the commission than it had before the changes, which led to further politicization of the commissions. The government did not show the will to solve this problem even during the changes made in 2020 and left the unjust rule in favor of the ruling party unchanged. Also, the procedure for electing members of the commission on a professional basis remained unchanged. The current rule does not provide for the selection of professional staff, which creates a number of problems, especially on Election Day. Most of the complaints of observer organizations concern violations where they are the result of unprofessionalism and bias of the commission.⁹⁷

Recommendations

- The rules for forming election commissions should be changed in two stages:
 - In the first stage, a mixed composition may be maintained - the commissions should be partly staffed on a professional basis, and partly - on the basis of the results of the parliamentary elections, but not in an unjustified form: one party should have only one member in an election commission and not several ones like it is now;
 - In the second stage, the rules for staffing election commissions need to be thoroughly reformed. Major political parties and other stakeholders should be involved in this process as much as possible.

2. RESOLUTION N45 / 20 OF THE CEC

The CEC passed a resolution on October 19, 2020,⁹⁸ defining the possibility and procedure for voters in treatment facilities and in isolation (quarantine, self-isolation) to participate in the 2020 parliamentary elections. Representatives of the election administration, as well as political parties, civil society and international organizations were involved in the drafting of the resolution, which should be positively assessed. Interestingly, the draft resolution has changed significantly since the last meeting of the working group so that changes have not been discussed. The CEC set an inadequately short time for participants to submit comments and soon, on the same day, adopted a resolution. The bulk of the resolution is acceptable, although there are a few problems.

According to the resolution, the relevant administrative bodies are obliged to submit to the CEC a list of voters who:

- will be housed in treatment facilities and specially equipped hotels on election day due to the COVID-19 infection;
- will be placed in a quarantine area on election day to prevent the spread of the COVID-19 infection;
- will not be allowed to come to the polling station on election day due to being in self-isolation or home treatment.

97 Recommendations for Improving Electoral Environment, TI Georgia, GYLA, ISFED, June, 2018; Available: <https://www.transparency.ge/sites/default/files/recommendations-for-improving-electoral-environment.pdf>

98 The Law "on Participation of Voters in Treatment Medical Institutions and Isolation (Quarantine, Self-Isolation) in the October 31, 2020 Elections, Establishment of Polling Stations and Special Groups, Definition of Some Election Measures and Sanitary-Hygienic Requirements", Resolution N45 / 2020 of the Central Election Commission of Georgia of October 19, 2020; Available: <https://bit.ly/3IZ9NVi>

These voters will be automatically included in the special lists compiled by the CEC, except for those voters who are in self-isolation or undergoing treatment at home.⁹⁹ They are obliged to call the CEC with a request to be included in the special list. Voters will have only 2 days to do so, from October 24 to October 26. According to TI Georgia, in addition to the fact that the submitted resolution gave people an unreasonably little time to enjoy this right, this rule creates certain risks of manipulation. For example, in a similar list, only some party supporters could be included, while some could not. It will be almost impossible to monitor this process by observer organizations and other stakeholders.

99 Paragraph 7 of Article 5 of the Resolution N45 / 2020 of the Central Election Commission of Georgia of October 19, 2020; Available: <https://bit.ly/3lZ9NVi>

CHAPTER IV. MISUSE OF INSTITUTIONAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

During the reporting period, there was a tendency to use several types of institutional administrative resources. As in previous elections, mobilization of employees of budgetary organizations for pre-election meetings was observed. There have also been several cases of alleged illegal campaigning. Similar to the previous elections, the election commissions still did not recognize the cases of overt campaigning on the personal pages of social networks as electoral agitation. Therefore, this remains a problem. The practice of visiting various public or private projects funded from the state or local budget by the ruling party's election candidates has become a trend. Such cases were recorded throughout the country and did not contribute to the existence of a clear boundary between the state and the ruling party in the run-up to the elections.

1. MOBILIZATION OF EMPLOYEES OF BUDGETARY ORGANIZATIONS AND THEIR INVOLVEMENT IN PRE-ELECTION CAMPAIGN

During the reporting period, TI Georgia recorded a total of 50 cases when employees of the budgetary organizations participated in pre-election meetings in favor of the ruling party.

The revealed cases are noteworthy due to the fact that the meetings of the government-backed candidate are attended by the employees of the budget organizations, who are in some way subordinate to political officials, and therefore there is a high risk that they will participate in the election campaign against their will. This may violate the Election Code, which "prohibits the inclusion of a subordinate or otherwise dependent in activities that facilitate the nomination and / or election of a candidate." One of the teachers, when asked by a journalist of the Main Channel why they came to the meeting, answered that "the school called them".¹⁰⁰

Such mobilization of civil servants for the election campaign, even if it is not a direct violation of the law, at least contributes to the extreme politicization of the civil service, which is unacceptable.

2. ALLEGED ILLEGAL CAMPAIGNING

The Election Code of Georgia regulates pre-election campaigning within 60 days before the voting (pre-election period). During this period, some persons are completely prohibited from campaigning (for instance, a judge, a member of the election commission), and some of them such as public officials of state authorities and local self-government bodies - partially (only during working hours and / or when they perform their official functions directly).

The July 2, 2020 amendment¹⁰¹ to the Election Code¹⁰² prohibits employees of LEPLs¹⁰² and state-owned nonprofit organizations, including public school teachers, from participating in pre-election campaign during working hours. This change should be unequivocally assessed positively.

100 "Educational process was interrupted and teachers were taken to the meeting of Gogi Meshveliani: Main Channel, October 5, 2020; Available: <https://bit.ly/2H7Qqeg>

101 The draft amendments to the Election Code of Georgia, Legislative Herald of Georgia, July 2, 2020; Available: <https://bit.ly/2TaqS>

102 Legal Entity of Public Law

2.1. CAMPAIGNING THROUGH PERSONAL ACCOUNTS ON SOCIAL NETWORK

During the reporting period, public officials were particularly active in campaigning through the social network Facebook. For example, a monitoring conducted by a representative of our organization revealed that campaigning on Facebook in favor of the GD party was carried out by employees of budgetary organizations in **Zugdidi, Senaki, Tsalenjikha, Martvili, Poti, Khobi, Chkhorotsku, and Terjola** municipalities. It should be noted that the CEC has established a wrong practice¹⁰³ on this issue for years, as it does not consider the study of agitation from a personal Facebook account during the pre-election period as its area of regulation.¹⁰⁴ This practice has not changed in these elections either.¹⁰⁵

Similar to the previous reports, TI Georgia, reiterates that such a narrow interpretation of the election campaigning by DEC's goes beyond the purposes of the Election Code and can hardly serve as an effective way of achieving legitimate goal of the norm. According to the Election Code, apart from directly calling on the voters to support or oppose an election subject/ election subject's candidate, campaigning is any public action that promotes or prevents election of the latter. By their actions (sharing campaigning material on Facebook), public officials openly demonstrate their positions thus, carry out campaigning in favor of specific parties.

Recommendations

- It is essential that election commissions perceive election campaigning through social networks as a violation of the law and make appropriate decisions:
- To change this practice, it is also possible to explicitly state in the definition of pre-election agitation in the Electoral Code that it also includes campaigning through personal pages of social networks.

2.2. OTHER CASES

On September 22, in **Marneuli** Farman Alazov, a professional member of #33 PEC in Marneuli constituency, attended the pre-election campaign of Zaur Dargali, a majoritarian candidate of the GD.¹⁰⁶

On September 26, Naira Samsonidze, a member of the **Akhaltzikhe** DEC, attended campaign meetings of Anton Obolashvili, a majoritarian candidate of the GD, in the village of Tsira.¹⁰⁷

According to the Election Code, a member of an election commission is prohibited from participating in campaigning at any time of the day,¹⁰⁸ therefore both cases described above are a violation of the law.

103 Misuse of Administrative Resources during 2017 Local Self-Government Elections in Georgia (interim report), TI Georgia, 2017, pg. 12, Available:

https://transparency.ge/sites/default/files/administrative_resources_for_election_2017.pdf

104 Misuse of Administrative Resources during Georgia's 2018 Presidential Elections (final report), TI Georgia, December, 2018, pg 23, Available: <https://bit.ly/3p709me>

105 Complaint of the International Society for Fair Elections and Democracy and the CEC's refusal to draw up a protocol; Available: <https://sachivrebi.cec.gov.ge/#/48651>

106 "Farman Alazov, an independent member of the 33rd polling station, is attending the election campaign of Zaur Dargali in Marneuli", droa.ge, September 22, 2020; Available: <https://bit.ly/37iZQOC>

107 "A Member of Akhaltzikhe District Election Commission Attends Georgian Dream Campaign Meetings", South Gate, September 29, 2020; Available: <https://bit.ly/3445RN8>

108 Paragraph "A" of Part 4 of Article 45 of the Election Code; Available: <https://bit.ly/34grSse> [Last view 20.10.2020]

On September 25, **Khelvachauri** Mayor Jumber Vardmanidze participated in pre-election meetings in the village of Chkhutuneti.¹⁰⁹ He held meetings with voters along with Anzor Bolkvadze and Pridon Putkaradze, majoritarian candidates of the GD. He reportedly came to the meeting in a municipality-owned car. Speaking to the media, Vardmanidze himself did not deny the fact that he participated in the meeting or that he used a municipal car, but he believes that he did not violate the law. According to the Election Code, Jumber Vardmanidze, as a political appointee, is not prohibited from participating in pre-election campaign. However, he is prohibited to use a municipality-owned vehicle for this purpose.¹¹⁰ Therefore, Jumber Vardmanidze's action should be assessed as illegal use of administrative resources.

TI Georgia appealed to the Khelvachauri DEC on this fact and requested an administrative protocol against the violator.¹¹¹ The DEC fully shared the explanation of Jumber Vardmanidze, who this time denied the fact of participating in the meetings, as well as the use of a municipality-owned car for this purpose. Therefore, the DEC rejected the complaint.¹¹²

3. CAMPAIGNING BY USING STATE-FUNDED PROJECTS

During the reporting period, the facts of using government-funded projects for the benefit of the GD were particularly frequent. A similar type of campaigning started before the official start of the pre-election period.

On August 11, the Prime Minister of Georgia, Giorgi Gakharia, together with Kakha Kaladze, the Secretary General of the ruling party, Irakli Gharibashvili, the Political Secretary of the GD and **Irakli Kadagishvili**, the majoritarian candidate of the same party in Lgodekhi constituency, got acquainted with the process of construction of a kindergarten in the village of Kartubani,¹¹³ and the construction of a school for 300 students in the village of Kabali.¹¹⁴

Similar meetings continued even after the official announcement of the pre-election period. TI Georgia recorded a total of 24 such meetings. Similar meetings were held in all regions of Georgia.

While it is debatable to what extent the identified cases are a direct violation of the election legislation, TI Georgia believes that the use of state-funded projects for election campaigning is not pursuant to the international best practice and complicates the separation of state from a political party.

109 "Khelvachauri Mayor at the GD campaign meeting in a municipal car ", Netgazeti, September 25, 2020; Available: <https://bit.ly/34gxH93>

110 Paragraph "C" of Part 1 of Article 48 of the Election Code; Available: <https://bit.ly/34grSse> [Last view 20.10.2020]

111 TI Georgia's Complaint, October 1, 2020; Available: <https://bit.ly/3kgtU10>

112 N83 Khelvachauri District Election Commission's Response, October 9, 2020; Available: <https://bit.ly/34gu96K>

113 Facebook page of the political party Georgian Dream, August 11, 2020; Available: <https://bit.ly/344bs66>

114 Facebook page of the political party Georgian Dream, August 11, 2020; Available: <https://bit.ly/3lWWjte>

CHAPTER V. MISUSE OF FINANCIAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

Financial administrative resource is one of the strongest resources for obtaining a solid advantage in the pre-election period. The Georgian Election Code does not allow for the increase in the funding of budgetary programs and initiation of new programs only during 60 days before the elections. This implies that no such amendment should be made to the law during this period, albeit the law does not prohibit the implementation of pre-planned programs. This is exactly why the government usually finds it easy to bypass this regulation, by planning to change the budget in advance and then implementing the specific programs in the pre-election period without any problems. This is the reason why we, in addition to highlighting the violation of law while examining this issue, also analyze budgetary programs that, although initiated and implemented in compliance with the law, can have a serious impact on the election results.

In these cases, we are usually talking about election motivated spending of state funds, i.e. the situation where such budgeting programs are initiated several months prior to the elections, which are primarily aimed at winning the voters hearts and might not conform to the long-term interests of the country. At the same time, there are certain state programs with a special social focus that envisage the direct transfer of ostensible social goods to the broad layers of the population. An example of this would be an increase of social and other benefits.

To ensure a healthy and competitive electoral environment, it is very important that such programs are not initiated shortly before the elections, since through them the ruling party candidate / party is prone to obtain a serious advantage.

In 2020, there was no change in the central or local budget, which would violate the above-mentioned regulation of the Election Code. As for the electorally-motivated public spending, initiatives presented by the government in response to the economic crisis caused by the spread of the COVID-19 are especially noteworthy, which would have a great impact on the election environment.

Since the beginning of August, the Georgian government and other public agencies have launched up to 20 different types of large-scale socio-economic initiatives (see **Table 2**). When evaluating such projects, it is necessary to take into account the economic situation of the country. Consequently, although many projects were initiated shortly before the elections, most of them can be considered as really necessary steps for the country. However, we cannot escape the fact that such programs will have a great impact on the elections and will give the ruling party an advantage at the expense of taxpayers.

Table 2. Major socio-economic initiatives presented by state agencies before the elections

Date	Initiator	Description of the Initiative
August 6	Prime Minister Giorgi Gakharia	Utility bills will be financed in November-February. More specifically, the consumption of 200 kilowatts of electricity and 200 cubic meters of gas will be compensated by the state. ¹¹⁵
August 6	Prime Minister Giorgi Gakharia	The government will help all children under the age of 17 with a one-time money transfer of GEL 200. ¹¹⁶
August 6	Prime Minister Giorgi Gakharia	All socially vulnerable students with a social score of up to 150 will receive stipend from the state for one semester in 2020. ¹¹⁷
August 6	Prime Minister Giorgi Gakharia	80,000 self-employed people who failed to meet the requirements under the spring program will receive assistance. ¹¹⁸
August 6	Minister of Defense Irakli Gharibashvili	The Ministry will provide 50% of the tuition fees for military personnel and their families enrolled in higher education. In addition, they will be awarded a Ministerial Scholarship of GEL 750 per semester for high academic achievement. ¹¹⁹
August 13	Prime Minister Giorgi Gakharia	The government will subsidize the purchase of apples until December 2020. According to the Prime Minister, all companies that will be involved in the program will receive an additional subsidy of 10 tetri per kilogram of apple. ¹²⁰
August 13	Prime Minister Giorgi Gakharia	Car customs clearance has been postponed until March 2021, during which no interest will be accrued. ¹²¹
August 20	Government of Georgia	As part of the universal health care program, the list of anti-cancer drugs has been expanded and the annual limit on each patient's medication has been increased by GEL 8,000. The change affected a total of 40 thousand citizens of Georgia. ¹²²

115 "The government will subsidize utility bills from November to February", [formulanews.ge](https://formulanews.ge/News/34716), 6.08.2020, <https://formulanews.ge/News/34716>

116 "The government will help children under 17 with a one-time assistance of GEL 200", on.ge, 6.08.2020, <https://bit.ly/31quFwS>

117 "Socially vulnerable students will be funded by the state for one semester", on.ge, 6.08.2020, <https://bit.ly/35g6v9r>

118 "According to the government's decision, the self-employed, who did not meet the requirements related to the documentation, will receive an assistance of GEL 300", InterpressNews, 6.08.2020, <https://bit.ly/37qLprl>

119 "Education for the military and their families will be funded by 50%", [Netgazeti](https://netgazeti.ge/news/472802/), 6.08.2020, <https://netgazeti.ge/news/472802/>

120 "The government will subsidize the purchase of non-standard apples", Interpressnews, 13.08.2020, <https://bit.ly/3j9sl3B>

121 "Customs clearance of cars will be postponed until March 2021", Interpressnews, 13.08.2020, <https://bit.ly/349HVMvf>

122 "The list of anti-cancer drugs is expanding within the framework of the universal health care program and the annual limit is increased by GEL 8,000", Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, 20.08.2020, <https://bit.ly/3k9qEV7>

August 20	Government of Georgia	In order to support farmers affected by natural disasters, a new component has been added to the state program “Plant your Future” aimed at replacing seeds damaged by hail, storms and floods in perennial orchards. ¹²³
August 26	Government of the Autonomous Republic of Adjara	The grace period was prolonged for fulfilling the obligations by investors in Adjara. The originally given 6 months was extended to 12 months. ¹²⁴
August 31	Minister of Defense Irakli Gharibashvili	Citizens will be written off the debt of Gori Military Hospital. The debt of GEL 1 million 600 thousand will be reduced for 1,000 people, who have been accruing older debts (three years and more) from the military hospital since 2009. ¹²⁵
September 2	Government of Georgia	On September 2, 140 more IDP families received apartments in the newly built residence in Tskaltubo. ¹²⁶
September 3	Prime Minister Giorgi Gakharia	For companies involved in the hotel business, the loan co-financing program will be extended from 6 to 12 months. ¹²⁷
September 22	Agency “Produce in Georgia”	A call was announced for acceptance of business ideas from October 5 to 18 through Micro and Small Entrepreneurship Grant Program. At the same time, the budget of the most successful program was increased to GEL 40 million and the upper limit of the grant amount was increased to GEL 30,000. The participation fee for winners of the program became 10% instead of 20%, and 5% - in the mountainous regions. ¹²⁸
September 23	Tbilisi Mayor Kakha Kaladze	87 families will be given ownership of housing that was not legalized, although they had lived in it for years. ¹²⁹

123 The “Plant your Future” component is added to the program, the Government of Georgia, 20.08.2020, http://gov.ge/index.php?lang_id=GEO&sec_id=288&info_id=77088

124 “Due to the pandemic grace period for investors in Adjara will be prolonged”, Netgazeti, 4.09.2020, <https://bit.ly/2T5vx5u>

125 “Before the elections, Gharibashvili will write off the debts of the citizens toward a military hospital”, Radio Liberty, 31.08.2020, <https://www.radiotavisupleba.ge/a/30813442.html>

126 “140 more IDP families received apartments in the newly built residence in Tskaltubo”, Government of Georgia, 2.09.2020, <https://bit.ly/35aWLNf>

127 “According to the Prime Minister, the loan co-financing program for companies involved in the hotel business will be extended for up to 12 months,” Interpressnews. 3.09.2020, <https://bit.ly/2H1mUa1>

128 “Micro and Small Entrepreneurship Support Program will start on October 5”, enterprisegeorgia.gov.ge, 22.09.2020, <https://bit.ly/3j7JLxv>

129 “Kakha Kaladze is legalizing housing for 87 families”, Radio Liberty, 23.09.2020, <https://bit.ly/3jgOmh3>

September 16	Georgian Melioration LLC	The debt of GEL 8 million accumulated toward the state-owned Georgian Melioration by 42,000 farmers in 2012-2019 was written off. In addition, 33,325 subscribers were exempted from the 2020 reclamation service tax. Due to this exemption, the subscribers will save up to GEL 3,733,020. ¹³⁰
October 18	Agency for Refugees, Eco-Migrants and Livelihood	In Kutaisi, 274 apartments in newly built residences will be handed over to IDP families living in damaged buildings. ¹³¹

In addition, it should be noted that not all the initiated programs should be evaluated equally. Some of them did not need to be introduced before the elections, and they should be considered as electorally-motivated state initiatives. In particular, the following initiatives may be included in this category: (1) Debt-relief for the patients of Gori Military Hospital; (2) legalization of apartments for 87 families by the Tbilisi City Hall in which they had lived for years; and (3) the promise of the Agency for Refugees, Eco-Migrants and Livelihood to provide apartments to IDPs living in damaged buildings in Kutaisi. It is difficult to substantiate that these initiatives served to combat the pandemic or economic crisis, as it concerned the outstanding debt to the hospital and the flats in which the beneficiaries had long lived. Consequently, the legitimate reason for implementing the initiatives in this period is unclear and the electoral nature of the initiatives is clear.

Recommendation

- The government should refrain from initiating large-scale social programs shortly before the elections in order not to harm healthy competition between electoral subjects.

130 “Debt of 42,000 farmers to Georgian Melioration for 2012-2019 has been fully written off”, First Channel, 16.10.2020, <https://bit.ly/3kmeLLL>

131 “In Kutaisi, 274 apartments will be handed over to IDP families living in damaged buildings”, First Channel, 18.10.2020, <https://bit.ly/2FCQQIz>

RECOMMENDATIONS

TI Georgia's monitoring of the misuse of administrative resources during election processes revealed the need to consider the following recommendation:

- The investigative bodies should investigate as soon as possible and impartially the cases containing alleged violence and pressure against the parties involved in the elections, vote buying and other signs of crime;
- The Ministry of Internal Affairs should proactively and promptly publish information on the progress and results of election-related investigations;
- There is a need for more regulation of the process of filling the positions of professionally appointed members of the election commissions and the establishment of clear qualification requirements. Proper procedures for selecting candidates should be developed to minimize the chances of political party activists being appointed to these positions;
- The Prosecutor's Office and the State Security Service of Georgia should be as far away from political processes as possible and they should not be used for the purpose of discrediting any political force for electoral purposes;
- Tbilisi City Hall should not restrict the right of political parties to assemble and demonstrate and repeal the fines levied on the Giorgi Vashadze – the Builder Strategy party;
- The rules for forming election commissions should be changed in two stages:
 - In the first stage, a mixed composition may be maintained - the commissions should be partly staffed on a professional basis, and partly - on the basis of the results of the parliamentary elections, but not in an unjustified form: one party should have only one member in an election commission and not several ones like it is now;
 - In the second stage, the rules for staffing election commissions need to be thoroughly reformed. Major political parties and other stakeholders should be involved in this process as much as possible.
- The law should prescribe the specific cases when the DEC's will be obliged to recount the ballot papers received from the PECs;
- DEC's should develop uniform practices for receiving and reviewing complaints;
- It is essential that election commissions perceive election campaigning through social networks as a violation of the law and make appropriate decisions;
- To change this practice, it is also possible to explicitly state in the definition of pre-election agitation in the Electoral Code that it also includes campaigning through the personal pages of social networks;
- The government should refrain from initiating large-scale social programs shortly before the elections in order not to harm healthy competition between electoral subjects.

ABBREVIATIONS

CEC – Central Election Commission

DEC – District Election Commission

GD – Georgian Dream – Democratic Georgia

IACFFE - Interagency Commission for Free and Fair Elections

ISFED - International Society for Fair Elections and Democracy

LEPL – Legal Entity of Public

LTO – Long Term Observer

MIA - Ministry of Internal Affairs

OSCE - Organization for Security and Cooperation in Europe

PEC – Precinct Election Commission

STO – Short Term Observer

TI Georgia - Transparency International Georgia

UNM – United National Movement

UNM-UOPU - United National Movement - United Opposition “Power is in Unity”