

Transparency International Georgia Monitored Voting by Persons Held in Preliminary Detention



30 May 2010

- *Of the 1,184 persons held in preliminary detention, only one was able to exercise the constitutional right to vote in the local elections.*
- *Employees of penitentiary institutions voted in these institutions on the election day.*

Transparency International Georgia monitored the participation of individuals in preliminary detention in the 30 May 2010 Georgian local elections. The monitoring was conducted in all institutions where, according to the Georgian Ministry of Prisons, there are persons in preliminary detention. There are five institutions of this type in Georgia:

1. Prison #5, Tbilisi, Isani Electoral District.
2. Prison #8, Tbilisi, Gldani Electoral District.
3. Prison #2, Kutaisi.
4. Prison #4, Zugdidi.
5. Prison #3, Khelvachauri.

Polling stations were set up in four of these institutions (there were two polling stations in Prison #8), while the inmates of Zugdidi Prison voted through a mobile ballot box.

According to the information provided by the Central Electoral Commission (CEC), a total of 2,669 persons were to vote in these institutions. The total number of persons held in preliminary detention in these five prisons is 1,184.

Under the Georgian law, the persons in preliminary detention are to vote both in the majoritarian and the proportional elections if they are relocated within the same electoral district (the Georgian Electoral Code does not contain any relevant provisions for the Tbilisi mayoral election. Consequently, according to the general rule, the residents of Tbilisi are to vote in the city mayor's election and the proportional election without any restrictions).

On the election day, employees of the penitentiary institutions vote in these institutions rather than in places of their residence. Unlike the persons in preliminary detention, the employees of prisons can vote both in the majoritarian and the proportional elections without any restrictions regardless of their place of residence.



According to the information that we have obtained, only three people held in preliminary detention had IDs. One of them voted in the elections, while the other two refused to.

According to the administrations of the penitentiary institutions, some of the prisoners did not have IDs at all, while the IDs of others were stored at the Prosecutor's Office along with their personal files.

Transparency International Georgia has, so far, recorded the following procedural violations in the voting by persons in preliminary detention:

- In Khelvachauri Prison #3, voting instructions were not originally posted. The documents were eventually posted when a TI Georgia observer filed a complaint.
- In Zugdidi Prison #4, there are 62 individuals registered in preliminary detention. The Precinct Electoral Commission to which the prison had been assigned received from the District Electoral Commission a list of these individuals that did not contain their personal numbers. None of the persons held in preliminary detention managed to vote because they had no IDs. However, even if they had the IDs, they would not have been able to participate in the vote since it would have been impossible to identify them without the personal numbers.

Based on the monitoring conducted, we would like to highlight the following problems:

- Persons held in preliminary detention were effectively denied the possibility of participation in the local elections and hence their constitutional right was restricted.
- Employees of penitentiary institutions had the right to participate in the local elections without any restrictions regardless of whether or not they were registered in the relevant electoral districts. As a result, voters registered in other districts participated in the election of local government bodies.
- It is not clear why it is necessary for all employees of penitentiary institutions to vote at their workplace rather than in their places of residence as other citizens do. The vote results in special precincts tend to be more favorable for the ruling party than the results in ordinary precincts. For example, during the 2008 presidential election, Mikheil Saakashvili got a total of 92.2% of the vote in the preliminary detention institutions. Under the present law, it will be impossible to view the vote results of these precincts separately as their ballots will be mixed with those of a predetermined electoral precinct and counted together.
- It should also be noted that voter inking does not take place in this kind of closed precincts since there is no such requirement in the law.

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