



# Use of Administrative Resources for Election Campaign

Local Elections 2010

3<sup>rd</sup> Report

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## Introduction

The third interim report on the use of administrative resources for election campaign covers the period of time between 6 May and 24 May 2010 and focuses mainly on three types of administrative resources: coercive, logistical and human resources.

Involvement of public officials and representatives of the power-wielding agencies in the election campaign was particularly frequent during the reporting period. Public officials engaged in agitation on the ruling party's behalf while performing their official duties, which is prohibited by the law. Representatives of the power-wielding agencies, meanwhile, are banned from participating in an election campaign altogether.

Instances of intimidation of opposition candidates and activists, as well as misuse of budget resources, were once again recorded in a number of districts.

The information below has been supplied by Transparency International Georgia's regional coordinators and other regional contacts, journalists, civil society representatives, public officials and party activists.

### Coercive Resources

*The use of violent methods against political opponents and their supporters, such as the intimidation of opponents and their activists, their dispersal, illegal detention, arrest and so on.*

#### *Pressure on Political Party Members*

**On 14 May, Merab Ghonghadze, representative of the Kharagauli District administration in the Vakhani village, sacked Shalva Peradze, the Alliance for Georgia bloc's majoritarian candidate in the village.** Peradze had worked as a tractor operator in the village. United National Movement majoritarian candidate Gia Arevadze later told Peradze at a village meeting that his political activities were the reason for his sacking. The local authorities believed that Peradze would use his job to influence voters. Peradze has not been given a written notice of dismissal though he no longer operates the tractor. The information was confirmed by Shalva Peradze and Iuri Lursmanashvili, a lawyer who is a member of the same bloc.

*Transparency International Georgia forwarded the information about the case to the Central Electoral Commission and expects it to react accordingly*

Leila Javakhishvili is a public school teacher in the **Atsquri village of Akhmeta District** and a member of the Alliance for Georgia bloc, as well as a member of the Precinct Electoral Commission. She informed the representatives of the OSCE Election Observation Mission that the 9<sup>th</sup> Akhmeta Electoral Precinct and the United National Movement campaign staff were located in the same building: that of the Atsquri public school. School director Bela Bakhbakhshvili is running as a United National Movement candidate in the Khodasheli village.

Once this information became public, the electoral precinct was relocated. Meanwhile, **Lela Javakhishvili was summoned by acting director Zaur Tsitelaury to his office and threatened** with problems at work unless she ceased her activities. Zaur Tsitelaury is the father of Iveri Tsitelaury, chief of staff at the Akhmeta municipality administration, who is currently on leave and working at the United National Movement's Akhmeta campaign staff.



Leila Javakhishvili notified the Alliance for Georgia bloc about the pressure she had been subjected to. The bloc posted the information on its website. Subsequently, according to Leila Javakhishvili, Bela Bakhbakhishvili held a teachers' meeting on 25 May where she reproached her and reminded how she had supported her (Leila Javakhishvili) in the past.

### *Pressure on Voters*

**On 17 May, Ivane Nuskhelidze, a specialist at the Gori administration's economic service, Eteri Jalaghania, a specialist at the governor's administration, and another unidentified individual visited the Khvakhvrelis village school in Gori District.** They met the teachers and criticized them for their failure to turn up at the meeting where Zurab Sadaghashvili, the United National Movement majoritarian candidate in the village, was introduced. The "visitors" reminded the teachers of how the school building had been renovated and described them as "ungrateful" people. The teachers who attended the meeting have only confirmed this privately.

### **Institutional Resources**

*The use of office equipment, transport, buildings, subordinate public officials of government bodies as well as other material and technical and human resources of organizations that are recipients of public funding<sup>1</sup> for organizing and holding pre-election events.*

During the monitoring period, the instances of illegal participation of public officials in the election campaign were particularly frequent. The Electoral Code prohibits public officials from engaging in campaign agitation when they are performing their official duties,<sup>2</sup> while the public officials from the law enforcement and power-wielding bodies are prohibited from participation in an election campaign altogether.<sup>3</sup> A 1,500-lari fine is to be imposed on the individuals who violate these provisions of the Code.<sup>4</sup>

Active involvement of public officials in the election campaign and the use of state and municipal resources by the ruling party reduces the distinction between the state and the party and contradicts the principle of neutrality of the public service. It is often difficult to differentiate between the government's activities and those of the party.

### *Involvement of Public Officials in Pre-Election Agitation*

**The offices of the Ozurgeti Municipality Administration's representatives in the Gurianta, Meria and Ozurgeti territorial units** are full of the United National Movement's campaign posters and booklets.<sup>5</sup> The Electoral Code prohibits displaying campaign posters on the interior or exterior of the buildings of local self-government bodies.<sup>6</sup>

**Bakhva Kverghelidze, the Ozurgeti Municipality Administration representative in the Gurianta village,** told the *Guria News* paper that the United National Movement campaign

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<sup>1</sup> Legal entities of public law, as well as legal entities of private law where 50 percent of shares or more is owned by the state.

<sup>2</sup> Article 73, Paragraph 5, Sub-Paragraph "h" and Article 76(1), Paragraph 1, Sub-Paragraph "c" of the Georgian Organic Law Georgian Electoral Code

<sup>3</sup> Article 73, Paragraph 5, Sub-Paragraph "d" of the Georgian Organic Law Georgian Electoral Code.

<sup>4</sup> Article 126 (18) of the Georgian Organic Law Georgian Electoral Code.

<sup>5</sup> As of 23 May 2010.

<sup>6</sup> Article 75, Paragraph 4 of the Georgian Organic Law Georgian Electoral Code.



staff operates in his office.<sup>7</sup> A journalist also found in his office copies of voter lists from several precincts containing contact information of every single voter from the Gurianta village, information about who is planning to vote in the elections and who is not, as well as information about the voters who support the United National Movement. The village representative said that, as a member of the party staff, he was working on a “list for internal use.” (see Photo #1: *Supporter lists on the desk of the district administration representative in Gurianta*; Photo#2: *The district administration representative in Gurianta and his office*).

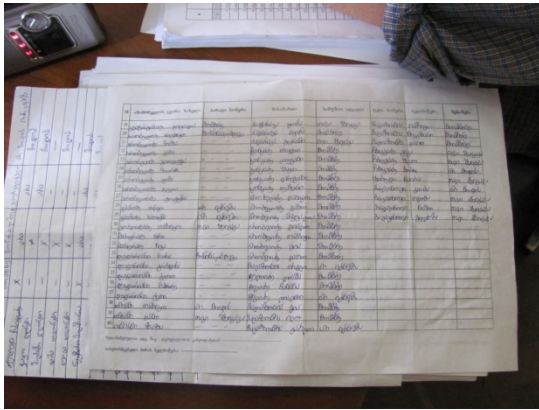


Photo #1



Photo #2

The desk in the office of **Vazha Chanchibadze, the municipality administration representative in the Meria village**, is also full of similar materials. He wrapped some papers in a newspaper upon seeing journalists though he did not try to hide the ruling party’s campaign materials. The voter list indicating the United National Movement’s supporters and opponents and their cell phone numbers also remained on the table (see Photo #3: *The district administration representative in the Meria village and his office*; Photo #4: *Supporter lists on the desk of the district administration representative in the village*).

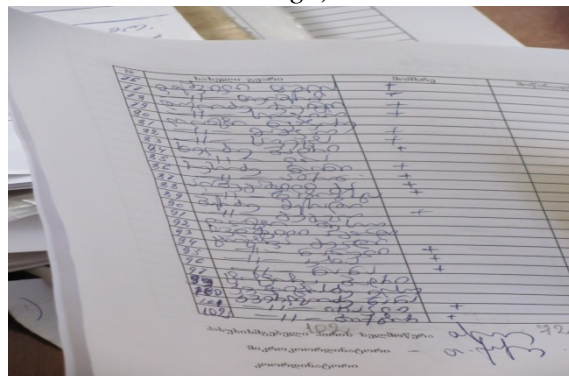


Photo #3

Photo #4



**Grigol Chkhaidze, the municipality representative in the Ozurgeti village**, also has the United National Movement’s campaign posters in his office. He said, in an interviewed with a *Guria News* journalist, that a government representative is supposed to have the ruling party’s posters in his office. “I am a government representative, so there is no way I could have the opposition’s posters”, he said (see Photo #5: *The district administration representative in the Ozurgeti village and his office*)

Photo #5

<sup>7</sup> The building of the Gurianta territorial unit administration.



Only the ruling party's campaign posters are displayed on the exterior of **the Ozurgeti village kindergarten building**. Kindergarten head Madlena Andghuladze told *Guria News* that the National Movement had helped the kindergarten in every possible way and was still supplying different products (including oil, sugar, flour and various presents). The ruling party was also renovating the office and the lobby. Madlena Andghuladze confirmed that all this had been done by the United National Movement. "It is true that we are all working together, including the National Movement and the village administration", she said.

**On 16 May, the United National Movement introduced majoritarian candidate Zurab Sadaghashvili in the KvakhvrelI village of Gori District.** Patrol Police squad chief Niko Khmiadashvili participated in the event (see Photo #6: *Niko Khmiadashvili is wearing a green t-shirt and sunglasses*).

*Photo #6*



**On 10-11 May, in the Zemo Alvani village of Akhmeta District,** a number of public officials visited the ruling party's campaign staff during the office hours. These included **Irakli Ujirauli, administration service chief at the Tax Inspection Telavi Regional Center, Davit Kaadze, the district administration representative in the Zemo Alvani territorial unit, Levan Tsakidze, a Constitutional Security Department staffer working in Akhmeta District, Mikheil Iukuridze, a senior**

**specialist at the Tusheti Administration of Protected Areas, and Giorgi Tsiskarishvili, a specialist of the Kaheti Regional Directorate of State Property, Records and Privatization working in Akhmeta District.**

A TI Georgia regional coordinator saw these individuals in the campaign staff on those days. The relevant information has been forwarded to the Central Electoral Commission.

**The head of the Qvareli municipality administration, Levan Gamsakhurdia, is on leave, serving** as the chief of the United National Movement campaign staff in Qvareli. On 7 May, together with the minister of environment protection, he visited the village of Eniseli where he met the local residents affected by a natural disaster. The minister promised to help the natural disaster victims. Gamsakhurdia participated in this conversation and explained the sequence of rescue operations and other details.

He thus violated Paragraph "b" of Article 89 of the Georgian Law on Public Service whereby a public official who is on leave is not to engage in official activities (see *Photo #7: district administration head Levan Gamsakhurdia talking to Goga Khachidze (far left)*).

*Photo # 7*



Transparency International - Georgia reported this to the CEC but, since the "Law on Public Service" rather than the Electoral Code, had been violated, no action was taken by the CEC.



In Ozurgeti, officials from the Tbilisi Mayor's Office (**Akaki Sturua, a senior specialist of the Department for Monitoring Youth Affairs, and City Service deputy chief Levan Ekhvaia**) have been actively involved in the election campaign since late March as members of the United National Movement's youth organization. On 3 May, a *Guria News* journalist was verbally assaulted by Sturua while trying take a photo of him.

According to the information received from the CEC and the Mayor's Office, Akaki Sturua has taken a leave from 3 May to 31 May, while Levan Ekhvaia is on leave from 15 April till 14 May. Therefore, they violated the law by participating in the election campaign (Sturua did so before 3 May and Ekhvaia – before 15 April).

**On 29 April, the presentation of the United National Movement party list and its majoritarian candidate was held at the Gurjaani Culture Center. The following people attended the presentation during office hours: Gurjaani District Prosecutor Gela Lazashvili, district administration staff specialist Jemal Shalashvili, Chief of Staff of the Gurjaani Municipal Council Davit Gogebashvili, the head of the Culture, Education and Social Development Department at the Gurjaani municipal administration, Nika Nizharadze, and the representative of the Gurjaani municipality administration in the Chandri village territorial body, Robert Araqishvili.**

All of the aforementioned people with the exception of the district prosecutor can be seen on photographs. The TI Georgia regional coordinator tried to photograph him as well but he first hid behind another person and then left the hall, cursing.

TI Georgia reported this to the CEC. Currently, the matter is being discussed (see Photo #8: *Davit Gogebashvili, far right*; Photo #9: *Nika Nizharadze, far left*).



*Photo # 8*



*Photo #9*

**In April, candidates for positions at precinct electoral commissions** were writing their applications for these positions at the Gori office of the United National Movement. Later on, the district electoral commission appointed all of them as members of precinct electoral commissions.

There is a video recording, showing how several people are filling out their applications at the United National Movement office.



In a video interview, Valida Berianidze, a specialist at the Kheltubani village territorial body, said that she submitted her application for the position of a precinct electoral commission head to the Gori office of the United National Movement. The list requested from the district electoral commission indicates that she was nominated for the commission chairperson's post by the district electoral commission.

Formally, **Sveneti village resident Jemal Saatashvili** and **Sveneti public school accountant Nanuli Khabelashvili** were also nominated by the district electoral commission, although both filled out their applications at the ruling party's office.

TI Georgia reported this to the CEC. The case is being reviewed.

### *Voter Bribing*

**Since 10 May, the United National Movement's majoritarian candidate in Etseri, Giorgi Khorguani, Ipari community majoritarian candidate Gocha Kaldani, Latali community majoritarian candidate Davit Gvishiani and the wife of Chuberi majoritarian candidate Gia Ansiani** have been accompanying social service workers on their visits to the families living in the villages of Mestia District, promising to provide social aid in exchange for supporting the ruling party and its candidates. Local residents have confirmed this information privately.

Such action is a violation of Article 73, Paragraph 9, Subparagraph "a" of the Organic Law of Georgia the Georgian Electoral Code (offering monetary benefits to the citizens of Georgia). According to Paragraph 9(1), Article 73, an electoral subject that commits such violation is to have the registration revoked.

Similar activities took place on **18 May in the Kvemo Omalo village of Akhmeta District**. According to a village resident, the United National Movement members were visiting socially vulnerable households, telling the people that their social aid would be withdrawn if they failed to vote for the ruling party. One of the socially vulnerable persons confirmed this privately.

On 9 May, in the villages of Shukhuti and Chochkhati of Lanchkhuti District and the village of Akhalkalaki of Kaspi District, the United National Movement majoritarian candidates were handing out decorations dedicated to the 65th anniversary of the victory over Nazi Germany (with the Georgian president's signature) and one-off monetary aid of 50 lari to the veterans of the World War II<sup>8</sup>.

The decorations and the 50-lari aid were given to the following veterans in the Chochkhateli village: Severian Zenaishvili, Bichiko Zenaishvili, Amiran Tughushi, Kakhi Dzimistarishvili and Pavle Khutsishvili. The district administration's representative in the village, Jumber Lomineishvili, his assistant Gedevan Tsintsadze, and **Dali Kverenchkhiladze, director of the local school and the United National Movement's majoritarian candidate in the village**, participated in the event. Initially, Dali Kverenchkhiladze denied involvement in the event. "I did not visit those people together with [the local government representatives]. I congratulated them on 9 May after they had already left," - she told a *Guria News* journalist

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<sup>8</sup> Decree No291 of the Government of Georgia, dated 10 March 2010.



over the phone. On 13 May, she met the *Guria News* journalist together with the district administration representative in Chochkhati village and explained that she had actually visited the aforementioned families but only because they were her friends. Dali Kverenchkhiladze noted that she had not been personally involved in handing out the gifts.

In a secret audio recording, the war veterans confirmed that the majoritarian candidate participated in distributing the gifts.

In Shukhuti village, according to Elguja Chkhaidze, the head of the Alliance for Georgia Lanchkhuti District organization, decorations and gifts were handed to the World War II veterans by the **United National Movement majoritarian candidate Revaz Chitidze** and Giga Apkhadze, an employee of the Energo-Pro Georgia power company Lanchkhuti service center. A village resident confirmed privately that the majoritarian candidate visited the veterans' homes by car, although Revaz Chkhaidze told a *Guria News* journalist that the district administration's representative in the village frequently borrowed his car, while he himself did not usually accompany him.

**In Kaspi District, Giorgi Imerlishvili, the United National Movement's majoritarian candidate in the Akhalkalaki village,** distributed decorations together with the district administration representative in the village, Mamuka Mamasakhlisi. He personally brought the president's gifts to Nadeba Okruashvili and other veterans. The Alliance for Georgia bloc's majoritarian candidate in the same village, Khatuna Elisabedashvili, witnessed the fact.

Such actions by majoritarian candidates qualify as voter bribing, which, according to the Georgian Electoral Code, constitutes sufficient ground for revoking a candidate's registration. At the same time, these actions violate Article 5.4 of the OSCE Copenhagen Document whereby there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

TI Georgia reported all of the aforementioned incidents to the CEC. The CEC has tasked the Lanchkhuti District Electoral Commission with reviewing the case. The Lanchkhuti District Electoral Commission discussed the case on 20 May and decided by the vote of eight against two that no violation had occurred and, correspondingly, did not disqualify Dali Kverenchkhiladze. TI Georgia filed an appeal against the district electoral commission's decision with the CEC. The case is currently being reviewed.

## Budgetary Resources

Electoral numbers and campaign slogans of all political movements appeared on the front page of the 14-17 May issue of the Batumuri Kronikebi newspaper which is financed from the municipal budget. Under Paragraph 3, Article 76 of the Georgian Electoral Code, this constitutes a violation. According to the Code, it is prohibited to use state/local budget funds for printing materials that display an electoral subject or the ordinal number assigned to a subject in an election, as well as materials carrying content supportive of an electoral subject or directed against an electoral subject. Even if such a rubric is used for information purposes, during the election period, it can only be placed in a publication printed with the budget funds in the form of free or paid political advertisement. There must be an indication of whether it is paid or free political advertisement.





It has to be noted that political subjects participating in the local elections did not appear in the newspaper according to their ordinal numbers. The United National Movement was placed at the top of the list, followed by the Christian-Democratic Movement and the rest of the parties (see the corresponding newspaper page on Photo #10).



Photo # 10

### Future Activities

Transparency International Georgia continues to monitor the pre-election activities and will publish another report before the elections. After the elections, the organization will publish a final report, containing all of the violations and shortcomings recorded during the monitoring and the recommendations for their prevention in the future.