

Human Rights Center (HRIDC)



Intermediate Report

Research of Pre-election Period

August, 2012

Tbilisi

Human Rights Center is a NGO dedicated to increasing respect for human rights and fundamental freedoms and promote democratic development of the state.

We cooperate with international and local NGOs which share the understanding that respecting human rights represents a pre-condition for strengthening democracy and peace in Georgia.

Authors: Mikheil Sharashidze, Nestan Londaridze

Editors: Ucha Nanuashvili, Aleko Tskitishvili

Translators: Nino Tlashadze, Nino Tsagareishvili

English Copy Editor: Tobias Akerlund

Human Rights Center would like to thank the US Embassy in Georgia, the National Endowment for Democracy (NED) and the Norwegian Helsinki Committee.

The views expressed in the report belongs to Human Rights Center only and do not necessarily reflect the views of donors.



**National Endowment
for Democracy**
Supporting freedom around the world



**THE NORWEGIAN
HELSINKI COMMITTEE**

Funded through Democracy Commission Small Grants Program, the U.S. Embassy in Georgia;
National Endowment for Democracy and the Norwegian Helsinki Committee

Content

I. Objective of Monitoring	4
II. Methodology of Monitoring of Electoral Process	4
III.Guiding Standards for Monitoring	5
IV.Brief Analysis of Political Environment	7
V. Legislative Frame and Electoral System	9
VI. Concrete Facts of Human Rights Violations Related to Pre-Election Political Processes	21
• Politically Motivated Pressure.....	21
• Violent Dispersal of Demonstrations	21
• Hindering Journalistic Activity.....	30
• Infringements on Free Enterprise	33
• Pressure on Private Individuals.....	35
• Activity of Financial Monitoring of State Audit Service	36
VII. Conclusion	42

I. Objective of Monitoring

Elections are not constituted only by the day on which eligible citizens cast their vote. It is an important part of monitoring to consider and analyze all events which influence the electoral process and its fairness. Therefore, we monitor whole electoral process which is implemented by active direct participation of civil society.

Through its regional network Human Rights Center has organized a sizeable group of monitors who studies the pre-election process in the capital and regions of Georgia, covering any and all events connected to the 2012 elections. Information collected by the monitors is transmitted to the Tbilisi office of Human Rights Center where it is analyzed and, if necessary, legal action is taken. Based on information gathered by the monitors during the pre-election process, detailed reports are prepared and sent to all interested parties.

In addition, Human Rights Center operates a hot line (+995 32) 2 45 45 33; (+995 32) 2 37 69 50 where the organization's lawyers answers questions and give consultations to voters and participants in the elections, as well as ensure that monitors are sent to investigate and report on possible violations. It is also possible to report electoral violations via e-mail – archevnebi2012@gmail.com. Periodically, pertinent material is uploaded to the Human Rights Center website www.humanrights.ge and video-portal www.hridc.tv

As part of Human Rights Center's elections monitoring process, dedicated seminars will prepare a number of short-time monitors who will monitor directly the process of balloting.

Ultimately, based on the information from Human Rights Center's monitors a final report will be prepared, describing and analyzing the entire electoral process, and including conclusions and recommendations.

Human Rights Center's monitoring of the parliamentary elections of 2012 is made possible with financial support from the US Embassy in Georgia, the National Endowment for Democracy (NED) and the Norwegian Helsinki Committee (NHC).

II. Methodology of Monitoring of Electoral Process

Human Rights Center implements long-term monitoring of pre-election environment in almost all regions of Georgia. With the help of regional networks of journalists and lawyers, the following elections-related violations are monitored: politically motivated pressure, persecution and threats; hindering of pre-election meetings and journalistic activity; and pressure on businesses and private owners. In addition, monitoring is carried out on the work of those state

bodies that are connected to the electoral process and can influence it, as well as other kinds of violations connected to the elections.

Information gathered as part of the monitoring process, whether collected and corroborated by our regional network or received another party (e.g. electoral subjects or state bodies) is verified and vetted.

Human Rights Center, within the realm of its capabilities, strives to include only examined information in its reports. When it is impossible to examine the trustworthiness of concrete information and the provider refuses to reveal his/her identity, this kind of significant information is included in the reports together with a disclaimer. It should be taken into consideration, given the circumstances and the safety concerns of individuals disclosing sensitive information that oftentimes the source of information chooses to stay anonymous.

During the monitoring process, the gathered information will be analyzed continuously (including legal information) and in those cases when legal measures need to be taken, Human Rights Center will use its own resources to try to get directly involved in helping the interested parties.

While Human Rights Center started its elections monitoring project on July 1st of 2012, despite this, we think it pertinent to include some of the events that took place before July of 2012 in the report. These events still influence, or have already influenced, directly or indirectly the fairness of the electoral process. Human Rights Center continuously and systematically monitors human rights violations. This report includes the results of this monitoring. In the first intermediate and final reports, political and legal events that took place in the year before the upcoming parliamentary elections and directly connected to these elections are recounted and analyzed.

Human Rights Center is one of the founders of the **Coalition for Freedom of Choice** which was started on November 17th, 2011. The coalition members are: International Center of Civic Culture, Human Rights Center, Media Monitoring Center of Georgia, International Center on Conflict and Negotiation, Caucasian Institute for Economic and Social Research, Media Club of Georgia, International Center for Local Democracy, Resource Center for Civic Education, Irakli Melashvili – expert in electoral issues, as well as Zviad Koridze – media expert. The goal of the coalition is to enable organizations and experts working in different fields to join their resources and opportunities to promote a free and fair electoral environment.

III. Guiding Standards of Monitoring

The concrete violations of electoral legislation presented in this report are assessed depending on the impact they had, separately as well as taken together with other violations, on the fairness of

the pre-election environment. The objective of the analysis is to determine to what degree Georgian legal processes complied with international and national standards. More specifically, the analysis will focus on the effect uncovered violations might have on the competitiveness of the pre-election environment and thus voters' ability to make an informed decision. Additionally, the analysis looks at how free, fair and equal the pre-election conditions are for relevant election subjects and their supporters.

Thus, the following guiding principles, essential for a democratic pre-election environment that results in a legally and politically free and fair electoral environment, are used as standards for evaluation:

1. **Competitive pre-election environment** – Is a real political choice available to the voter, and, if applicable, will the voter's right to change the existing government be enforced? If elections take place in an environment where there is no alternative and unfair and ungrounded restrictions are applied against opposition parties and candidates, or if the voter does not have a real chance to choose other government representatives, then the trustworthiness of the whole election is questioned. Elections should represent an institutional mechanism which makes democracy real.¹

As the Constitutional Court of Georgia noted in one of its decisions: **“Citizens should have equal opportunity to reach changes through elections: on the one hand, all voters should have equal opportunity to choose their representative. This means that each should be ensured equal guarantees to participate and influence the results of electoral processes; on the other hand, political parties or separate candidates should have equal opportunities to offer real political choice to a voter. Legislation should give sufficient guarantees to political minority to become a majority. In other words, legislation should ensure equal guarantees for self-realization of capacities of minority and majority so on one hand, the competition between the political forces and on the other hand, the competition between their supporters is conducted on equal terms.”**²

From this decision by the Constitutional Court of Georgia, it is obvious that the standards for a truly fair electoral process are high.

2. **Free pre-election environment** – This means that basic rights and freedoms of individuals are protected for the duration of the electoral process. Every citizen, political party and other electoral subjects must, at minimum, be guaranteed the following:

¹ http://constcourt.ge/index.php?lang_id=GEO&sec_id=22&id=624&action=show

² http://constcourt.ge/index.php?lang_id=GEO&sec_id=22&id=624&action=show Decision of Constitution Court of Georgia, December 27 of 20122, the case “Political Unions of Citizens “New Rights Party” and “Georgian Conservative Party” vs. Parliament of Georgia”

freedom of opinion, freedom of movement, and freedom of peaceful assemblies and manifestations. Political opponents should not suffer from intimidation and violence directed against them, including the application of administrative or criminal sanctions, . It is not only to this end that it is vital for the media to be afforded the conditions to freely cover the electoral process. Likewise, civic organizations should be free to implement work related to covering the elections without facing any obstacles, so as to ensure that the electoral process is transparent and subject to public scrutiny.

3. **Fair and Equal Pre-election environment** – This means that the state should afford all electoral subjects equal conditions. Obviously, it is impossible to reach complete equality considering different opportunities of different electoral subjects, including administrative and financial resources, but the state is obliged not to exacerbate, by discrimination or other means, already existing inequalities. Legislation should not allow such discrimination and should be applied objectively to everybody.

These standards also guide the analysis in this report to provide a comprehensive picture of the current situation.

IV. Brief Analysis of Political Environment

In order to have a comprehensive understanding of the 2012 Parliamentary elections, it is necessary to briefly review the political situation that forms the backdrop against which this contest is taking place.

Georgian President Mikheil Saakashvili called Parliamentary elections for October 1st, 2012.

The elections will be the first conducted on the terms of a new electoral code. It should be noted that before the work begun on the drafting of the new Electoral Code, the eight main opposition parties (the so-called Opposition Eight) expressed desire to participate in the development process of the electoral legislation and system. Initially, certain progress was noted in this direction. Ultimately, however, a large-scale political agreement could not be reached and the “Opposition Eight” dissolved.

Almost a year before the elections, Georgian Dream, a new opposition coalition with unprecedented financial backing appeared on the political scene (the leader of Georgian Dream is the richest person in Georgia – billionaire Bidzina Ivanishvili). Some of the main opposition parties joined the coalition, and for the first time in several years there was created a real electoral alternative to the governing United National Movement party.

In this regard, assessments made by the **OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission** should be recalled. Specifically, it states that **“a persistent feature of Georgian politics has been that a dominant ruling party**

has faced a fragmented opposition...” and that the **“opposition remained fragmented in the 21 May Parliamentary Elections...”**³ Thus, we consider that the forming of a sizeable opposition coalition would positively influence the conducting of future parliamentary elections in a competitive environment. However, a real political competition is one thing and a political-legal environment which ensures the creation of relevant legal terms for such competition is another.

In this regard, the fact that the governing party, the *United National Movement*, dominates at all levels of state governance makes it hard to differentiate the governing political team’s activity from the electoral activity of the ruling party, especially during the pre-election period. Thus, it seems like state bodies are involved in the confrontation between the two main political forces, something that negatively reflects on the electoral environment. **As the UN Special Rapporteur on the rights to freedom of peaceful assembly and association states in his report: “As long as there is no line between the State and the ruling party, this will continue to be a problem and lead to tensions and divisions.”**⁴ Here, the actions of the State Audit Service (which was granted authority to supervise the finances of political parties on December 27, 2011) connected to the formation of an opposition political union with new, strong financial potential should also be taken into account. It should be noted that in most cases, the State Audit Service’s activity has been criticized by different human rights NGOs. Moreover, granting the State Audit Service, which was renamed Chamber of Control on December 27th, 2011, the authority to supervise non-state finances of political parties in a way contradicted the competence granted to this body by the Constitution.

The pre-election environment grew tenser as an official from the Georgian Prosecutor's Office was appointed the head of the State Audit Service. The main opposition forces and representatives of civil society allegedly have little trust a Prosecutor's Office - they view as politicized and saw the appointment as far from neutral.

In conclusion, it can be said that the political environment is clearly polarized and the electoral process is often conducted against a backdrop of radical confrontation in which oftentimes government bodies are involved and play a negative role. It is welcomed that an Intergovernmental Commission operates at the National Security Council for the prevention of and reacting to violations during the election period. However, it would be desirable for it to become more active so as to have any real effect.

Meanwhile, the opposing sides often engage in blaming one another. The confrontation has yet to take positive forms and become concentrated on real political discussion about the electoral subjects' platforms. And the situation becomes tenser as Election Day approaches.

³ http://www.civil.ge/files/files/32898_en.pdf

⁴ <http://www.ungeorgia.ge/userfiles/files/Press%20Statement%20-%20SR%20FoAA%20Georgia%20Mission.pdf>

V. Legislative Framework and Electoral System

The main characteristic of democratically organized society is that high government bodies are always formed through elections. In order to deem elections democratic, the existence of electoral legislation which will ensure the conducting of free and just elections and its practical implementation is essential.

Georgian Electoral legislation consists of the Constitution (1995), the Electoral Code (Organic Law of Georgia which was adopted on December 27th, 2011 and took effect on January 10th, 2012), the Organic Law of Georgia on Political Unions of Citizens, the Criminal Code, the Code of Administrative Offenses, and legal acts of electoral administration.

Nine months before the elections, the Georgian Parliament through a third hearing adopted the new Organic Law – Election Code of Georgia and made amendments to the Organic Law of Georgia on Political Unions of Citizens and the Criminal Code of Georgia. These amendments are related to issues such as restricting financing of political parties and the bribing of voters.

The main novelties introduced by the **New Election Code** are the following:

Parliament of Georgia – In a Parliament with 150 MPs, on four-year terms, 77 deputies are elected by a proportional system and the remaining 73 by majority rule, instead of the 75/75 rule that existed up until now.

The Election System of Parliament and its inequality between voters of majority districts has been raised by the Venice Commission for a long time now and has practically not been changed.⁵ By recommendation of the Venice Commission, differences between numbers of voters in the districts should not exceed 10-15%.⁶ Despite this, in 82% of election districts in Georgia this recommendation has not been taken into account. The number of voters ranges from 6 000 to 160 000 (using voter lists from 2010)⁷. In this case, especially with regards to majority elections, one of the most important principles, the principle of equality of voters has been violated. As a result, almost significant number of voters in Georgia are unfairly restricted in their right to choose their representative in Parliament. Both OSCE's final report on the Parliamentary Elections of 2008⁸ and the December 19th report of the Venice Commission note that no step has been taken by the government to solve this problem.⁹ Thus, this violation of electoral rights is relevant for the 2012 Parliamentary elections as well. Though the provisions of

⁵ <http://www.osce.org/odihr/86401>

⁶ <http://www.venice.coe.int/docs/2002/CDL-AD%282002%29023-e.asp>

⁷ http://www.cesko.ge/files/2012/PARLAMENTIS%20ARCHEVNEBI/amomrchevlebis_raodenoba.pdf

⁸ <http://www.osce.org/ka/odihr/elections/georgia/33301>

⁹ <http://www.osce.org/odihr/86401>

Article 28 of the Constitution and the Election Code of Georgia do not include the principle of equality of votes between voters, these differences in numbers of voters in electoral districts contradict the equality principle of Article 14 of the Constitution and represents discrimination of voters “[...] **according to place of residence.**”¹⁰

Connected to this problem is the rule governing deciding the winner of majority contests in the relevant election districts. Specifically, according to part 3 of Article 125 of the Organic Law of Georgia Election Code of Georgia: **“the candidate who receives the most number of votes but no less than 30 percent of participants of elections in the relevant majority district will be deemed to be elected in the relevant majority election district. The number of votes envisaged by the bulletins will not be counted in the number of votes of participants of the elections.”** According to Article 126 of the Election Code: **“1. If the MP is not elected through the first round of majority elections, the Central Election Commission announces a second round of elections which is set no later than on 14th day after the first round. The two candidates who received the most votes in the first round will participate in the second round. If more than two candidates have the same best results or candidates who received the same result and fall behind a candidate with the best result, all these candidates participate in the second round. 2. In the second round of election, the candidate who receives the most votes will be deemed elected. If the candidates receive an equal number of votes, the candidate who received more votes in the first round will be elected. If these numbers are the same as well, new elections are held.”**

Thus, the candidate who receives the most votes but no less than 30% of the total vote in the relevant majority district will be deemed the winner. The number of votes considered annulled by the bulletins will not be included in the total number of participants in the elections in either majority or proportionate rule contests.

Considering Georgia's multi-party system, there is a high chance that an individual with 30% support (or, in case of a second round, with less support) is elected even though 70% of voters are against it. This is unfair for two reasons: on the one hand, an individual who is not supported by a majority of the population becomes a deputy; and, on the other hand, if one political party has a rating close to 30%, he/she has a chance to become elected with 70%. Interesting research on this topic has been made by the internet-portal of Georgian magazine Liberali.¹¹

Ultimately, this system of majority elections is unfair and contradicts the principle of equality of votes.

¹⁰ „Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence”

¹¹ <http://blogs.liberali.ge/ge/blog/1631/112112/>

The new Election Code of Georgia includes participation of independent candidates presented by so-called voter initiative groups in the majority elections. It should be noted that the previous Election Code did not cover this option. Thus, this novelty should be welcome.

According to part 7 of article 116 of the Election Code: **“in order to register a candidate for Parliamentary contest, an initiative group of voters should present, no later than 50 days before the balloting, a list of supporters of the candidate to the relevant election commission, and a bank document confirming the transferring of 5000 GEL from the account indicated by the majority deputy candidate to the account indicated by the Central Election Commission (CEC). This deposit is returned to the candidate only if he receives at least 10% of votes in the relevant elections. Otherwise, the money is transferred to the state budget.”**

Thus, the new Election Code of Georgia introduces a so-called election guarantee. In general, it is possible that the introduction of such a guarantee might have a legitimate goal – to protect the election from less serious electoral subjects. According to Georgian legislation, however, this kind of guarantee is obligatory only for a majority deputy candidate presented by an initiative group of voters and not for candidates from a political party or political bloc. Applying restrictions only to one electoral subject could contradict the principle of equality set by 14 Article of Constitution of Georgia.

On the basis of a request made to Human Rights Center by an independent majority candidate, a constitutional complaint was prepared and submitted to the Constitutional Court by the candidate.¹² The complaint requests that the Constitutional Court of Georgia, before making its decision on this matter, should suspend the provision. According to Georgian legislation, the Constitutional Court has the authority to do so.

Active Electoral Right. According to new provisions, prisoners who have committed minor crimes are given the right to participate in elections. The Criminal Code defines minor crimes as crimes the maximal sentence of which is no more than 5 years. It is unclear whether prisoners are provided with adequate information on the elections and the pre-election environment to make an informed decision. According to numerous NGOs, including Human Rights Center access to media in the prisons is restricted.¹³ Human Rights Center will continue studying this matter in the run-up to the election.

Election administration. The rules governing the formation of the election administration remained the same. Commissions on all three levels consist of 13 members. Six members of the Central Election Commission are proposed by the President. There are seven more members from the following political parties: United National Movement; Christian-Democratic

¹² Constitutional Complaint – “Citizen of Georgia Besik Adamia Vs. Parliament of Georgia”

¹³ <http://www.ekhokavkaza.com/content/article/24666182.html>

Movement; Industry will Save Georgia; European Democrats; Conservative Party; and the Labor Party. Considering that all levels of Georgian government are dominated by one and the same party and the President of Georgia is the official the head of this party, it should be taken into account that the same governing party still has the factual majority in the election administration.

It should also be noted that the head of the Central Election Commission has the sole authority to register election subjects. In case of registering majority candidates, it is the heads of the district commissions who have this authority. Before the new law was introduced, however, the commissions conducted the registration. It is not clear for what legitimate purpose this law was changed. In this case, Election Administration which is a Collegiate Body does not act on the principle which contradicts recommendations set by Venice Commission on December 19th of 2011.¹⁴ Regarding the collegiality of Election Administration remarks were made in the final report of **OSCE Office for Democratic Institutions and Human Rights Election Observation Mission** as well.

Voters' List. The Central Election Commission (CEC) will still be obliged to publish the number of voters in Georgia and in every election district twice – at the beginning of the election season and closer to the day of balloting.

A Voters' List Verification Commission, specifically formed according to the Elections Code for the 2012 Parliamentary elections, will provide the CEC with these lists. The Code prolongs the term for making corrections to the common list of voters for the 2012 October Parliamentary Elections until August 1st, instead of July 1st. The Verification Commission also has the authority to control any changes made to the lists following their transfer to the CEC in August. Any changes must be made by the CEC no later than 14 days before the elections. The CEC is obliged to “immediately” notify the Verification Commission about the changes made to the lists.

The Voters' List Verification Commission consists of no less than 15 members. According to the initial version of the law, there were supposed to be no less than 21 members. Currently, there are 21 members in the Commission.

According to data from August 1, 2012, the number of voters in Georgia is 3,621 256.¹⁵ Keeping this in mind, information regarding changes in the number of voters, available on the CEC website, is interesting:¹⁶

Parliamentary elections of October 28, 1990 -	3,444 000
Presidential elections of May 26, 1991 -	3,594 810

¹⁴ <http://www.osce.org/odihr/86401>

¹⁵ http://www.cesko.ge/files/2012/PARLAMENTIS%20ARCHEVNEBI/amomrchevlebis_raodenoba.pdf

¹⁶ <http://www.cec.gov.ge/files/TEA/archevnebisistoria/geohistory.pdf>

Parliamentary elections of October 11, 1992 -	3,471 866
Parliamentary elections of November 5, 1995 -	3,121 075
Parliamentary elections of October 31, 1999 -	3,143 851
Presidential elections of April 9, 2000 -	3,088 925
Parliamentary elections of November 2, 2003 -	3,178 593
Presidential elections of January 4, 2004 -	2,231 986
Parliamentary elections of March 28, 2004 -	2,343 087
Local self-governmental elections of October 5, 2006 -	3,205 634
Presidential elections of January 5, 2008 -	3,527 964
Parliamentary elections of May 21, 2008 -	3,465 736
Local self-governmental elections of May 30, 2010 -	3,544 770

The number of voters verified by the Commission is the highest of the past 22 years and it exceeds the analogue figures of 1990 even though according to official statistics, the Georgian population in 1990 was one million more than today (5.424 400 people lived in Georgia in 1990 and 4,497 600 people lived in Georgia in January of 2012).¹⁷ We should also take the elections of 2003 and 2004 into consideration, when the number of voters was about 2.3 million. One of the factors behind the Rose Revolution in 2003 was reports on and discontent with inaccurate and exaggerated voters' lists. After the change in government following the revolution, the number of voters decreased (2004) until 2006.

This means that the increase in the number of voters since 2004 has exceeded 1.3 million, a remarkable figure that needs to be studied further. We think that work must continue in this direction and the commission's activities monitored closely. The data collected by the nongovernmental organization Voters' League is interesting from this point of view; the organization is carrying out a parallel counting of voters and will soon publish its finding in a report.

Pre-election campaigning and agitation: Issues related to pre-election campaigning and agitation are mostly regulated by Article 45 of the Georgian Election Code. Part IV of the article still contains a prohibition on pre-election agitation by foreign citizens and organizations. On June 28, 2012, the Election Code was amended with Part I of Article 185¹ allowing some citizens of EU member states to take part in the upcoming parliamentary elections.¹⁸ Taken together with Article 45, Part IV of the Code, the prohibition on pre-election agitation by foreign citizens grew more obscure.

¹⁷ <http://geostat.ge/>

¹⁸ "Alongside with Georgian citizens, a person who was born and has lived in Georgia for the last five years and has election age by time when Article 104⁴ of the Constitution of Georgia goes into force and simultaneously holds citizenship of EU member state, can take part in the presidential and parliamentary elections of Georgia before January 1, 2014.

The new Election Code still allows campaigning and agitation on Election Day despite recommendation from the Venice Commission to stop all pre-election activities 24 hours before Election Day.¹⁹ In addition to that, according to the same Venice Commission recommendations, the Code was to clearly identify those premises where pre-election campaigning was prohibited and election commissions were to add to the list at least on the Election Day. To this end, amendments were introduced to the Code in June of 2012 and according to Article 45 Part IX, pre-election agitation was prohibited in polling stations only on the Election Day. We consider this prohibition incomplete and believe that pre-election agitation must be prohibited in the buildings of all election administration throughout the entire election process. Moreover, the prohibition envisaged by the Code comes into effect only on the day prior to Election Day and it is doubtful how well the commission members will fulfill duties and remove pre-election campaign posters from the polling stations.

Public officials, including regional and district governors, will still have right to participate in the campaign process as long as they are not carrying out their official duty. With all bodies of both central and local governments staffed by members of the ruling party, this could provide an unfair advantage. It could also prove hard to monitor compliance because of the difficulties in estimating under which conditions a public official can be seen as free from professional duty. Should this be the case, it is possible that it would fall under restricted usage of administrative resources during the election period.

Prohibition of use of administrative resources in the Code: Under Article 48 Part I of the Election Code the use of the following administrative resources is prohibited:

- a) use of buildings occupied by state institutions and local self-governmental bodies or by organizations which are funded through the state budget if other election subjects do not have access to the same or similar buildings with comparable conditions;*
- b) use of communication sources, information services and other types of technology by state institutions or local-self-governmental bodies and by organizations which are funded through the state budget;*
- c) use of means of transportation owned by the state authority or local self-government, free of charge or under preferential terms.*

Use of relevant administrative resources by state government and local self-governmental bodies or by the organizations funded by state budget is allowed if other election subjects have access to the same or similar buildings under same conditions. The law, however, does not define what

¹⁹ <http://www.osce.org/odihr/86401>

would be considered a similar building. Besides that, Article 45, Part VII and VIII states that ***“7. buildings of state government or local self-governmental institutions are assigned to election commissions for free to perform mass election activities. 8. District Election Commission estimates the agenda of election activities based on the list of buildings allocated by the local self-governmental agencies with agreement to them (if some events coincide each other and election subjects do not agree on the issue, the sequence of scheduled events will be estimated through ballot).”***

So, based on the agreement with election subjects the DEC draws up an agenda of the election activities organized in the buildings/premises allocated by local self-government. So, the agenda envisages only those buildings which are allocated for the election activities of relevant election subjects (including ruling party). In this view, it is unclear which buildings are listed in the Article 48 Part I – “a” of the Code. In this case, additional possibility is admitted and other buildings funded by state budget (except the buildings listed in the Article 45, Part VII and VIII) can be used as additional administrative resource. Consequently, this provision of the Code does not ensure prohibition of abuse of administrative resources.

The same can be said for the use of transport and communication resources for free or under advantageous conditions. In this particular case, the law does not clearly indicate what advantageous conditions mean when service cars serve many public servants, who can participate in the pre-election agitation. At the same time, we think it is difficult enough to prove violation of the abovementioned conditional prohibitions – and sometimes it is even impossible.

Article 88 of the Code envisages an inadequate fine at 2 000 GEL, for the abuse of administrative resources and positional or professional conditions during pre-election agitation and campaigning. It also fails to mention any fine connected to the violations of the usage of prohibited budget funds during pre-election campaign as envisaged under Article 49, Part 3 of the Code. Instead, if budget funds are used for pre-election purposes, the Code only stipulates that an ***“authorized individual shall have the right to apply to the court and request suspension of expenditure.”*** Neither the present nor other articles in the Election Code of Georgia specify who qualifies as an “authorized individual” and thus authorized to sue following such violations.

It is worth pointing out that abuse of administrative resources includes abuse of various means at the authorities' disposal that could influence election results for purposes of maintaining power. There are many ways for the authorities to influence the election process in order to stay in power, and they should all be taken into consideration when evaluating the pre-election environment.

As a result of monitoring the pre-election process in Georgia, we can underline the following forms of abuse of administrative resources:

1. Law enforcement bodies – law enforcement or other security or supervisory institutions of the government are used to directly or indirectly influence the election results;
2. Regulatory services – abuse of governmental power for election purposes;
3. Legislative bodies - the government takes advantage of its legislative authority and grants election privileges to concrete political groups or the opposite, deprives political foes of their rights;
4. Financial resources – the state budget funds are used to gain an advantage in the elections;
5. Media resources – government controlled or otherwise influenced media outlets are misused for election purposes.

Taking all this into account, the Georgian Election Code is somewhat weak in its prohibition of abuse of administrative resources, occupational status or official capacity and the use of budget funds for the pre-election campaign. In the part on the abuse of administrative resource there is an innovation in the form of an interagency task force commission, established by the Secretary of the National Security Council, that will discuss cases related to violations of the Electoral Code, e.g. by public servants, as reported by media outlets or based on information provided by election subjects or monitoring organizations. The Code states that if a violation of the law is proven, the Commission can “recommend” that an institution “take relevant measures within reasonable time.” During discussions, political parties will have votes and observers from local and international monitoring organizations can be invited to the Commission sessions. The Commission is established on July 1 of the election year and in case of snap elections, it starts functioning within three days after announcing the Election Day. A similar institution was also functioning during previous elections.

Media and ensured transparency of election process. In terms of media coverage of the pre-election campaign, a new provision stipulates an equal tariff for paid advertisement for all election subjects; the rules on allocation of time for free advertisements still exist.

Introduction of a must carry principle by the Parliament of Georgia during the official pre-election period shall be evaluated positively when cable broadcasters are obliged to broadcast non-governmental TV-Channels too. Cable broadcasters, however, cover only part of the population, mostly in large towns, leaving most of the population in the regions, which make up almost 50% of voters, without access to cable TV-stations. Satellite dishes remain the only source for alternative information. In addition to this shortcoming, we find the terms for the implementation of the must-carry rules under Article 51, Part 17 of the Election Code, which envisages terminating the must-carry rule on the day prior to Election Day, unreasonable and not properly reflecting public interest. With regard to elections, availability of diverse information shall be ensured on a long term basis because its function is not only to update voters before

elections but also to ensure a pluralistic media environment, transparency of the entire election process, and instill in the public a trust toward the elections.

Human Rights Center has published a report on media coverage of the pre-election environment and interested people can read it on our website.²⁰

The new Election Code, unlike the previous one, does not envisage the installment of surveillance cameras at polling stations for monitoring purposes. We think this is a step backwards in terms of ensuring a transparent ballot process.

According to Article 39, Part II of the Election Code a “***domestic observation organization shall be a domestic non-commercial (non-profit) legal entity registered in accordance with Georgian legislation no later than 1 year before the Election Day.***” The origin of this time restriction is unclear, as is its purpose. And the Venice Commission also expressed its doubts regarding it in its conclusion published on December 19, 2011.²¹ Allegedly, the restriction is connected with the appearance of a new, strong opposition coalition one year before the elections, which immediately established an NGO. If this is, in fact, the real reason for the inclusion of this restriction, it is clearly unacceptable.

Funds of election subjects. The election campaign is funded through a foundation of a political party and if a political bloc is created, it is funded by the foundation of one of the parties with other members of the block free to transfer their funds to the first party without restriction. The restrictions set out by the Code on Political Unions of Citizens apply to the foundations and campaign-related expenditures. A majority of Georgia-based nongovernmental organizations find the newly adopted political financing regulations too harsh and, in some cases, the restrictions, and concomitant sanctions in particular, make little sense.²² In addition to that, the same organizations believe that the new legislative changes give ground for broad definitions and fear that they can be used against any political party that the government views as a threat. In order to improve the financing rules an agreement was reached between several nongovernmental organizations unified in the campaign This Affects You and the Georgian government, to introduce significant amendments²³ to the Organic Law of Georgia on the Political Union of Citizens. The amendments clarified the law and annulled some of the restrictions on political party financing.

Based on the amendments to the organic law introduced in May-June of 2012 the following positive steps were taken:

²⁰ <http://humanrights.ge/admin/editor/uploads/pdf/English-2.pdf>

²¹ <http://www.osce.org/odihr/86401>

²² <http://esshengexeba.ge/#3>

²³ <http://esshengexeba.ge/contentimage/shedareba.pdf>

1. The notion of individuals directly or indirectly linked with political parties, which allowed to unreasonably imposing financial restrictions, no longer exists in the law. The State Audit Office (SAO) can no longer impose financial sanctions envisaged for political parties on a person if she/he publicly declares his/her political affiliation;
2. The circle of people who might become targets of financial sanctions envisaged for political parties was narrowed and clearly identified;
3. The time during which sanctions imposed by SAO applies to a certain individual was determined;
4. The upper limit of a political party's expenditure was cancelled;
5. The rules by which the size of a voters' initiative group nominated majoritarian candidate's financial expenses were also determined;
6. If donations to a political party by physical persons, who receive all or part of their income from one source, exceeds the set limit of 500 000 GEL, the SAO will notify the party which received the donation about a violation of the law. If the political party returns the money to the donor within five days, neither political party nor the donor will be fined;
7. The time for the State Audit Office to notify political parties about violations was extended from 3 to 5 days;
8. If a political party could not have known about illegal revenues, then the political party will be obliged to return the donation not only from the date of donation but from the time when the SAO notifies it about illegal donation;
9. The norm that could form a basis for the suspension of election registration for the election subject, which effectively equaled canceling them from the election process, was annulled;
10. Introduced amendments clarified that if a fine for the violation of the law goes unpaid, or for other problems in execution of fines, the property of the relevant person shall be seized only in proportion to the sanction imposed for said violation;
11. Criminal liability will not be imposed on a political party for assisting a physical person with money up to 100 GEL or for receiving donation of the same amount. Liability will not be imposed on the physical person either;
12. In case of a physical person requesting any sort of assistance from a political party, no criminal liability will be imposed on the physical person.

Thus, after the amendments were introduced to the law based on the agreement between the NGOs and the government, the liability for the violations envisaged by the Organic Law of Georgia on Political Unions of Citizens was mitigated and in some cases completely annulled. In addition to that, the law became more predictable. However, the unreasonably strict initial version of the law and how it restricted the rights of political subjects should be kept in mind. We should also consider that before said amendments were introduced to the law, the initial version had been in effect for almost four months, causing much damage to certain individuals, the restitution of whom were not, as far as we know, included in later amendments.

In accordance with the amendments introduced to the Organic Law of Georgia on Political Union of Citizens on December 27, 2011, which put in place severe restrictions on party funding, the **Chamber of Control of Georgia** was put in charge of monitoring compliance among political parties (the constitutional amendments of 2012 changed the name of the Chamber of Control to the State Audit Office).

The main function of the former Chamber of Control was set out in Article 97 of the Constitution of Georgia, according to it was to *“supervise the use and expenditure of state funds and of other material values.”*

The mandate and name of the Chamber of Control was changed only through the May 22, 2012 constitutional amendments. Following these constitutional amendments and additions, a new mandate was added to the State Audit Office, which replaced the former Chamber of Control, namely the *“supervision of public funds and use and expenditure of other material values”*. This included supervision of non-state funds of political parties, something that it had been doing since the December 2011 amendments. Thus, we can say that between December 27, 2011 and May 22, 2012 the Chamber of Control was carrying out activities that were not envisaged as being within its mandate as stipulated in the Constitution. We consider this a serious constitutional violation and, based on the role that the Chamber of Control played during this period, the case should be studied in detail and the constitutionality of its decisions examined. These facts together with the unreasonably strict amendments made to the Organic Law on Political Union of Citizens in late 2011, do not match up with the Georgian government's assurances for a free and fair pre-election environment. We should also keep in mind that some parts of the Organic Law on Political Unions, which caused concern among nongovernmental organizations, are still in force.²⁴

In this point of view, we should also consider the evaluations of UN Special Rapporteur on the *Rights to Freedom of Peaceful Assembly and of Association* Maina Kiai about possible threats undermined in the abovementioned law.²⁵

Election disputes: the new Election Code provides new opportunities for the discussion of election disputes, allowing for the decision of the election administration to be appealed to a higher instance commission or directly to the court.

In the summer of 2011, as a result of an agreement between the United National Movement and several opposition parties, the time limit for appeals to the court was extended to four days. This

²⁴ <http://esshengexeba.ge/contentimage/shedareba.pdf>

²⁵ <http://www.humanrights.ge/index.php?a=main&pid=15054&lang=eng>

provision does not exist in the current law however, keeping the time limit at two days, and in some cases even reduces it to one day. Moreover, the appeals process does not stop the execution of the decision that is being appealed.

We believe that, in most cases, more effective judiciary control of the elections (appealing to the court and discussion procedures) would be better. Moreover, it would be beneficial if the authority of the Constitutional Court were increased with regards to constitutional evaluation of the elections, and if the circle of persons, who can appeal to the court were extended. In this regard, an interesting example is a constitutional lawsuit submitted by Human Rights Center that has not yet been discussed. HRC challenged the constitutionality of the so-called “election guarantee”, a 5 000 GEL deposit, returned to a candidate that receives a certain percentage of votes, that majoritarian candidates nominated by an initiative group of voters has to deposit on the Election Commission's bank account a month before the elections to be allowed to stand for elections. In the lawsuit in question, the suitor, independent majoritarian candidate Besik Adamia has the backing an initiative group but cannot afford to deposit the money. In accordance to the Article 45¹ of the Rules of the Georgian Constitutional Court “

- 1. Constitutional Court holds sessions about constitutional lawsuits and constitutional proposals during summer and autumn sessions.***
- 2. Summer sessions start on the first Monday of March and ends on the first Friday of July;***
- 3. Autumn sessions start on the second Monday of September and ends on the last Friday of December;***
- 4. In the period between sessions Constitutional Court holds session and passes relevant judgment, decision or conclusion about the issues envisaged under Article 19 Part I- “d” and “h” of the Organic Law of Georgia on Constitutional Court.***
- 5. In the period between sessions, the Constitutional Court is authorized to hold sessions to settle issues within its competence.***²⁶

To sum up the analysis of the Georgian Electoral Code, the problems that stand out in the new law and could undermine a truly free and fair election are the following:

- Significant differences between numbers of voters in election districts, effectively making some votes worth less than others, breaching the principle of vote equality;
- Ineffective regulation with regard to abuse of administrative resources that could potentially threaten the competitiveness of the pre-election environment, creating unequal conditions for election subjects;

²⁶ http://constcourt.ge/index.php?lang_id=GEO&sec_id=1

· Legislative restrictions on the funding of political parties coupled with a new State Audit Office wielding unprecedented power. Arguably the most worrying development, carrying the risk of derailing the pre-election campaign if it is used to undermine political opponents, essentially restricting parties' effective participation in the elections and reducing the number of credible options for voters.

VI. Concrete Facts of human rights violations during pre-election political processes

1. Politically Motivated Oppression and Violent Dispersal of Demonstrations

December of 2011. According to the Information Center of Kakheti (ICK), Tamar Sukhiashvili, a history teacher who was fired from the Public School in Kakabeti village Sagarejo district, said she was sacked on political grounds. “Several days ago, school director Paata Chkheidze asked me to sign my resignation letter, but I refused. He said he had already prepared a decree on my dismissal from school. On December 29, 2011 the school manager Luiza Shengelidze visited me at home, on the director’s initiative. She told me unless I stopped cooperating with Bidzina Ivanishvili, I would have had to quit my job.”²⁷

January of 2012. Beka Tsetskhladze, 17, was interrogated at the Dedoplistskaro district prosecutor’s office. Police accused him of illegal carrying of firearms. The mother of the juvenile, Dali Tsetskhladze, alleges that her family started facing problems after having met with Kakha Kukava, an opposition leader, in Samtatskaro village. Kakha Kukava, leader of the opposition political party “Free Georgia” visited the border village, mostly inhabited by Ingilo people and eco-migrants from Adjara, in September 2011. According to the ICK, after Kukava’s visit, the district's Social Service Agency stopped social allowances for several Samtatskaro families who had met with the opposition leader. Among those families was the large family of Guram and Dali Tsetskhladze. “Before they seized our social allowance, the village governor Paata Nadirashvili met me in the street and inquired what we had asked Kukava for? I told him Tamila is a god-sister of my children and she brought the leader of her party to my house. And the governor replied to me: 'then, let Kukava assist you now.' Three weeks later they stopped our allowance; a social agent evaluated our family repeatedly and granted high points,” Dali Tsetskhladze said.²⁸

²⁷ <http://www.humanrights.ge/index.php?a=main&pid=14358&lang=eng>

²⁸ <http://www.humanrights.ge/index.php?a=main&pid=14347&lang=eng>

Lawyer, Zakaria Kutsnashvili, alleges that the director of the Tbilisi First Experimental School fired his mother, Taliko Lagazauri, on political grounds. Zakaria Kutsnashvili said that Taliko Lagazauri, who had worked as a teacher for 22 years, was fired only because she is his mother.²⁹

Police officers beat up about ten people at a concert held in the center of Sachkhere due to shouts of “Long Live Bidzina!” The incident took place at night on January 13th during the concert.³⁰

February, 2012: The Tbilisi City Court sentenced Zaza Kobakhidze, childhood friend of Bidzina Ivanishvili’s nephew to four years imprisonment. Kobakhidze was sentenced under Article 236 Part I and II of the Criminal Code of Georgia – illegal carrying of a gun. Lawyer Lado Macharashvili said the verdict was unfair. The accused was allowed to make a speech at the trial: “When I left home, police officers twisted my hands and pushed me down to the ground. My wife and child saw it happen and rushed towards me. So, the police officers rapidly pushed me into the car. Their allegation that the search lasted 35 minutes is not right. I did not resist the police officers. I would never do that - I have served Georgia all my life and even fought in the August war. On the day of my detention I was going to the St. Trinity Cathedral to attend a blessing of my family name. A Christian never goes to church bearing guns. This is an insult to me. I am honest and it is difficult for an honest man to receive an unfair punishment,” Kobakhidze said.³¹

March, 2012 - Watchman of the Poti Public School # 7 Zuri Tavartkiladze said he was sacked for reading Georgian Dream’s newspaper. The former watchman recalled the incident: “In the morning, on my way to the school, I found the newspaper stuck in the door. I decided to take the newspaper to school and read it there. I do not know how the school administration learned about it, or who saw me. A short time later, the chief school resource officer came and demanded that I write an explanatory letter; they compelled me to write that I brought the newspaper to school as propaganda. I was told they called the General Inspection of the Education Ministry to inform them about it. The Ministry instructed the director to fire me. I have no complaints about the director. He had to obey the order.”³²

On March 9, Zviad Kviralashvili, HQ member of the political coalition “Georgian Dream” in Gurjaani was dismissed from his job. He was deputy director of the company “Ketilmotskoba” which was founded by the municipal board. His contract was due to expire on May 1, 2012.³³

²⁹ <http://www.humanrights.ge/index.php?a=main&pid=14330&lang=eng>

³⁰ <http://www.humanrights.ge/index.php?a=main&pid=14342&lang=eng>

³¹ <http://www.humanrights.ge/index.php?a=main&pid=14432&lang=eng>

³² <http://www.humanrights.ge/index.php?a=main&pid=14543&lang=eng>

³³ <http://www.humanrights.ge/index.php?a=main&pid=14581&lang=eng>

An activist of the political coalition Georgian Dream, Zura Tergiashvili, who worked as an ambulance driver at the Gurjaani district medical emergency center, was fired from his job.³⁴

On March 11, the “Georgian Dream” coalition accuses the Georgian authorities of terrorizing the coalition's activists. A leader of the Republican Party, Tina Khidasheli said at a press conference that their activists were harassed throughout the previous day and night. “On March 11, strangers, who introduced themselves as representatives of Chamber of Control, approached our activists in the regions of Georgia and summoned them to the questioning. The public should know that those people are civil activists without any financial ties to the Georgian Dream. Their cooperation with the Georgian Dream is limited to distribution of the Coalition’s newspapers and the gathering of signatures from Ivanishvili’s supporters.”³⁵

On March 11, a two-hectare apple-garden and half-hectare nut-plantation belonging to **Zakaria Kinkladze**, member of the Republic Party National Committee and his brother, respectively, were burnt in Akhmeta. A mini rabbit farm, crops and a building were completely burnt in the area. Allegedly, it might be political revenge against Kinkladze.³⁶

On March 12, the secretary general of the Georgian Party, Irakli Dolaberidze, was not allowed to leave the country for a second time, when he was going to fly to Paris to meet Irakli Orkuashvili, chairman of the party. The patrol police sent him back from the Tbilisi International Airport without an explanation. Irakli Dolaberidze has been deprived of the right to leave Georgia since January 6, 2012.³⁷

Tsisana Joiashvili, mother of Zurab Gamezardashvili – Georgian Dream’s Lagodekhi district office member, was fired from the Public School of Apeni village. Tsisana Joiashvili was teaching Georgian Language and Literature at the school and her labor contract was until September 15, 2012.³⁸

The head of Gurjaani office of Georgian Dream Akaki Begashvili states that an official of Kakheti Agency of Constitutional Security Department, Shalva Imerlishvili, came to his home on March 16th and asked him to leave Georgian Dream.³⁹

³⁴ <http://www.humanrights.ge/index.php?a=main&pid=14784&lang=eng>

³⁵ <http://www.humanrights.ge/index.php?a=main&pid=14585&lang=eng>

³⁶ <http://www.humanrights.ge/index.php?a=main&pid=14595&lang=eng>

³⁷ <http://www.humanrights.ge/index.php?a=main&pid=14593&lang=eng>

³⁸ <http://www.humanrights.ge/index.php?a=main&pid=14753&lang=eng>

³⁹ <http://www.humanrights.ge/index.php?a=main&pid=14642&lang=eng>

Deputy head of Akhmeta district police station, Malkhaz Khubejasvhili, with the nickname [“Mouravi”](#) threatened Gocha and Baadur Basilashvili from Alaverdi village with detention because they attended the opening ceremony of Georgian Dream’s office in Akhmeta.⁴⁰

On April 2, a member of Free Democrats, Sergo Chachibaia, was detained in Zugdidi. As the party’s general secretary Irakli Chikovani stated to Interpressnews, Chachibaia was detained in a parking lot. According to Chikovani, a stranger walked up to him unexpectedly and verbally assaulted him. Chachibaia stated that he did not react. However, policemen soon arrived at the scene and detained him.⁴¹

Mamuka Baliashvili, chair of the Youth Branch of the political party Salome Zurabishvili-Georgia’s Way reported that activists of the Georgian Dream were beaten in Kutaisi. “Activists of the Georgian Dream were distributing newspapers at the White Bridge in Kutaisi, when suddenly about 15 employees of the district administration attacked them.”⁴²

*The Information Center of Kakheti (ICK) has been conducting polls on the restitution of Bidzina Ivanishvili’s citizenship in Akhmeta district. Reports said that officers from the Kakheti regional department of the Constitutional Security Department intimidated people who participated in ICK’s polls. The Information Center of Kakheti conducted polls in Akhmeta on April 5 and asked local people about their opinion regarding the recent refusal by the Civil Registration Agency to restore Bidzina Ivanishvili’s citizenship. Video materials from the polling were uploaded on ICK’s website on the same day at 5:38 pm. Most of the interviewees thought the decision to revoke Ivanishvili’s citizenship was unfair.*⁴³

Akaki Natroshvili, manager of Dedoplistskaro district office of the political coalition Georgian Dream was fired from his job. He was a coach at the culture and sport center of the Dedoplistskaro district municipal board and trained children in Zemo Machkhaani village in football.⁴⁴

On April 18 *Tamar Tamazashvili, sister of Irakli Garibashvili’s father-in-law – one of the founders of the political party Georgian Dream-Democratic Georgia, was fired. Tamar Tamazashvili was a teacher and deputy director at the Dedoplistskaro district Art School. Tamar Tamazashvili told the ICK that she was fired from school on political grounds.*⁴⁵

⁴⁰ <http://www.humanrights.ge/index.php?a=main&pid=14756&lang=eng>

⁴¹ <http://www.humanrights.ge/index.php?a=main&pid=14692&lang=eng>

⁴² <http://www.humanrights.ge/index.php?a=main&pid=14716&lang=eng>

⁴³ <http://www.humanrights.ge/index.php?a=main&pid=14744&lang=eng>

⁴⁴ <http://www.humanrights.ge/index.php?a=main&pid=14816&lang=eng>

⁴⁵ <http://www.humanrights.ge/index.php?a=main&pid=14799&lang=eng>

Strangers in plain clothes kidnapped Lasha Gogoreliani from the fifth quarter of Vazha Pshavela Avenue in Tbilisi. Gogoreliani is the brother of Levan Gogoreliani, former actor on TV channel Rustavi 2's entertainment programs who has lately joined Bera Ivanishvili's studio "Georgian Dreams Studio". Actors on the TV-Company Rustavi 2's entertainment programs Temo Mzhavia, Amiko Chokharadze and Levan Gogoreliani [Pacho] moved to Georgian Dream's Studio about two weeks ago.⁴⁶

On April 20, the court released Lasha Gogoreliani, representative of Bera Ivanishvili's musical studio, Tengiz Abdaladze and Revaz Kitiashvili on a 500 GEL bail. The judge decided to sentence the young people several hours after the detention.⁴⁷

On April 30, Tbilisi City Court imposed 3 year and 6 month imprisonment on Tamaz Tamazashvili, father-in-law of Irakli Garibashvili, member of the Georgian Dream – Democratic Georgia's initiative group. Irakli Garibashvili said Tamaz Tamazashvili intends to appeal to the European Court of Human Rights after appealing to all national courts.⁴⁸

Irma Petriashvili from Akhmeta, who has three children and rents a one-room flat, said the Social Agency stopped her social aid after she had joined the Coalition Georgian Dream.⁴⁹

On May 10, Chairman of the Akhmeta Municipal Board Aleksi Mailashvili threatened supporters of the Georgian Dream in Kistauri village. The head of the Georgian Dream's Akhmeta district office, Zakaria Kinkladze, informed the ICK about it.⁵⁰

The eight-member family of Mevlud Shushanashvili from Tianeti district, who supports the political coalition Georgian Dream, was deprived of social benefits. Shushanashvili told the Information Center of Mtskheta-Mtianeti that on May 15 he attended a public meeting with the Georgian Dream's leaders. Several minutes after the meeting, social agents visited him at home and cancelled his social benefits.⁵¹

GYLA and ISFED respond to the reports of violence against the head of the Khobi District Office of the political coalition Georgian Dream, Mamuka Kardava, and demand an objective, thorough and timely probe into the alleged fact. According to media reports, Mamuka Kardava was assaulted by four unidentified individuals near a railroad crossing in the village of Nojikhevi, Khobi District on May 20, at around 00:45, when he was driving back home.

⁴⁶ <http://www.humanrights.ge/index.php?a=main&pid=14783&lang=eng>

⁴⁷ <http://www.humanrights.ge/index.php?a=main&pid=14790&lang=eng>

⁴⁸ <http://www.humanrights.ge/index.php?a=main&pid=14840&lang=eng>

⁴⁹ <http://www.humanrights.ge/index.php?a=main&pid=14911&lang=eng>

⁵⁰ <http://www.humanrights.ge/index.php?a=main&pid=14890&lang=eng>

⁵¹ <http://www.humanrights.ge/index.php?a=main&pid=14909&lang=eng>

Mamuka Kardava alleges that one of the assailants managed to get into his stopped car and tried to strangle him. Mamuka Kardava tried to back up but the assailant interfered with the steering wheel and the vehicle crashed into a metal post. He also states that the three assailants forced him out of the crashed car and beat him with a truncheon. The very same night Mamuka Kardava checked in at the Khobi District Hospital with multiple injuries.⁵²

Parliament's vice-speaker Gigi Tsereteli thinks that if a public servant personally participates in the assemblies of opposition political parties, she/he must resign. "It is the same situation as if you participate in a demonstration organized against your employer. If the employees of governmental institutions attend demonstrations of opposition political parties, it is natural that they will be fired. Public officials shall not participate in the opposition's demonstrations!" Tsereteli said and claimed that it is common practice in every state.⁵³

Neli Terterashvili, director of the Matani Public School # 1 in Akhmeta district, held special meeting and warned teachers against installing Global TV antennas; otherwise she threatened them with dismissal from the school. A school teacher spread information about it. School director and her deputy categorically denied the accusations.⁵⁴

Georgian Dream member Givi Otarashvili was beaten in Telavi. He told ICK that at about 10:00 pm **on May 30**, two strangers attacked him and hit him in the head, leaving him unconscious near his relative's house in Vanta village.⁵⁵

The head of Akhmeta district office of the Coalition Georgian Dream, Zakaria Kinkladze, decided to appeal a judgment from the Telavi District Court, imposing a 25-day administrative prison sentence on him. Evidence obtained by ICK and witness testimonies prove that Zakaria Kinkladze had not committed any crime.⁵⁶

A fistfight erupted in the village of Mereti in Shida Kartli region on June 26 as Bidzina Ivanishvili, the leader of opposition coalition Georgian Dream, was holding a campaign meeting with locals in the village, which is located close to the breakaway South Ossetian administrative border.

Two people, both supporters of Ivanishvili, including a young woman, were taken to hospital for treatment.

⁵² <http://www.humanrights.ge/index.php?a=main&pid=14912&lang=eng>

⁵³ <http://www.humanrights.ge/index.php?a=main&pid=14939&lang=eng>

⁵⁴ <http://www.humanrights.ge/index.php?a=main&pid=14953&lang=eng>

⁵⁵ <http://www.humanrights.ge/index.php?a=main&pid=14949&lang=eng>

⁵⁶ <http://www.humanrights.ge/index.php?a=main&pid=15083&lang=eng>

Ivanishvili, accompanied by Irakli Alasania, leader of Our Georgia-Free Democrats party, [arrived in the village of Mereti as part of his pre-election campaigning](#). As one of the Georgian Dream supporters was talking to Ivanishvili, telling him about the need to restore territorial integrity, a middle-aged man approached saying, referring to Ivanishvili and his political allies “where they were during the war” with Russia. Then Ivanishvili himself approached a group of women standing nearby and one of them told him: “I consider you to be Georgia’s traitor... Putin instructed you to stir turmoil in Georgia”; another one told him: “Saakashvili is not only a president, but he is our god too.” As Ivanishvili was talking with this group of women a fistfight erupted several meters away. Locals in the village, who support Ivanishvili, said that the fistfight was provoked by the ruling party supporters, including employees of local government agencies.⁵⁷

The Georgian authorities have impounded shares of leader of Georgian Dream opposition coalition Bidzina Ivanishvili in two Tbilisi-based banks following his refusal to pay a multi-million fine imposed on billionaire politician earlier this month.

National Bureau of Enforcement at the Ministry of Justice said on June 26, that Ivanishvili’s 100% shares in Cartu Bank, 21.7% shares in Progress Bank and 100% shares in JSC Cartu Group had been impounded. The state agency in charge of enforcement moved into the case of GEL 74.32 million (about USD 45.4 million) financial penalty imposed on Ivanishvili for alleged violation of party funding rules last week.⁵⁸

Police arrested Ilia Suliashvili, Georgian Dream’s registrar for the Program Kardakari [polls to check voters’ lists before elections], on July 1. He was charged for minor hooliganism and the court sentenced him to 35-day administrative imprisonment. Ilia Suliashvili had bodily injuries.

Residents of Chalaubani village, Giorgi and Lali Pridonishvili, sued Ilia Suliashvili. Allegedly, Suliashvili verbally and physically assaulted them. However, Suliashvili claims three strangers assaulted him and beat him because of his cooperation with the Georgian Dream. Initial investigation against Suliashvili was launched under Criminal Law for hooliganism but later the case was re-classified as an administrative offense.⁵⁹

Georgian Dream activists holding a meeting in Mtskheta were told by police officers to come to the police station. Georgia Dream Dusheti headquarter chief officer Dodo Chokheli said that the director of Kvesheti village public school, Kamila Khevsurishvili threatened to expel children who supported Georgian Dream. “After participating in the meeting we had several problems.

⁵⁷ <http://www.humanrights.ge/index.php?a=main&pid=15066&lang=eng>

⁵⁸ <http://www.humanrights.ge/index.php?a=main&pid=15067&lang=eng>

⁵⁹ <http://www.humanrights.ge/index.php?a=main&pid=15159&lang=eng>

Participants were summoned to the police station where they asked for our ID cards. We were called to Pasanauri by the inspector” – Kvesheti resident Zura Burduli told Mtskheta – Mtianeti Information Centre. He added that after participating in the meeting, the director of the school in Kvesheti called parents and told them to bring their ID cards to school.⁶⁰

Thousands of satellite dishes, which the Tbilisi-based Maestro TV was planning to hand out, was seized as part of the ongoing investigation into alleged vote-buying related to Georgian Dream opposition coalition leader Bidzina Ivanishvili, the chief prosecutor’s office said on July 11.

“In the course of the investigation opened on June 20, 2012 into the crime of vote-buying, Maestro Ltd, under the instructions of Elita Burji Ltd - a company associated with the Georgian Dream coalition, has recently imported thousands of satellite antennas,” Chief Prosecutor’s Office of Georgia reports.

“The investigation has sufficient evidence to believe that the antennas will be distributed in accordance to the scheme of vote-buying previously used by Global Contact Consulting [Global TV],” the chief prosecutor’s office said.

Company Global Contact Consulting, which is publicly known as Global TV and is co-owned by Bidzina Ivanishvili’s brother, had its uninstalled satellite dish antennas seized on June 21.

Director of the TV-Company Maestro Bacho Kikabidze said the accusations of the prosecutor’s office were absurd.⁶¹

Members of the coalition Freedom of Choice got hold of a USB memory stick belonging to Lanchkhuti district police officer Shmagi Uratadze, which contained information on the political opinions of local residents and exposed blatant and illegal interference of the police in the pre-election process. These materials prove that the police monitors and collects information on the political opinions of local inhabitants, personal data [personal ID numbers, phone numbers] of local leaders of opposition parties, public servants and their family members without relevant court sanctions. The police officer had collected information about those people who have satellite dish antennas at home, as well as data on local opposition leaders who “supervise the introduction of dish antennas in the district,” and data on “people working in the company” of Bidzina Ivanishvili, leader of the opposition political coalition Georgian Dream.⁶²

On May 2, police used water cannons to disperse a Georgian Dream demonstration in Kutaisi. “We passed by Kutaisi City Hall where two fire-trucks were parked. Having seen us they drove in our direction and opened their water cannons on us,” said Nato Katamadze, coalition representative. “Not only fire-engines followed us, but City Hall officials too. Among them were

⁶⁰ <http://www.humanrights.ge/index.php?a=main&pid=15132&lang=eng>

⁶¹ <http://humanrights.ge/index.php?a=main&pid=15165&lang=eng>

⁶² <http://www.humanrights.ge/index.php?a=main&pid=15289&lang=eng>

Tutberidze- head of Kutaisi City Service, Tsaava- head of the department, Kakha Khvareshia – former employee of the auto-factory and currently employed at of City Hall; Khvareshia was particularly active. We could not recognize the other people in the dark but we video-recorded them.”⁶³

Coordinator and long-term observer of the International Society for Fair Elections and Democracy (ISFED) in Lanchkhuti district, Nana Sanikidze, told humanrights.ge that Lanchkhuti district governor Giorgi Goguadze had summoned her to his office and physically oppressed her.⁶⁴

Several citizens who met and shook hands with Bidzina Ivanishvili in Chargali village, Dusheti district on July 14, were summoned to Zhinvali police.

“It was Vazhaoba [holiday dedicated to famous Georgian poet Vazha Pshavela] on July 14 and Bidzina Ivanishvili arrived here. I live in Chargali and it was interesting for me to meet him. He shook hands with several people and greeted us. I attended the ceremonies and then returned home. A police officer visited me at home 4 days later and said I was summoned to police. Last week I went there and they asked the reason of my presence at the meeting. People in police uniforms, who did not introduce themselves, spoke rudely to me. They warned me against going to the place where Ivanishvili arrives or I and my son could face problems; we would be arrested and even plea-agreement would not help us escape prison,” a man from Chargali village told ICM.

His family members also confirmed the information about the police officer’s visit to their house and his summoning to the police station.⁶⁵

Georgian Dream member Akaki Taliashvili, inhabitant of Anaga village in Signaghi district, accused Giorgi Begiashvili, policeman of Tsnori department in Signaghi, of threatening him.

“District attorney Giorgi Begiashvili came and ordered me to leave Georgian Dream and the people connected with Ivanishvili. He asked me to leave the party, or they would accuse me and I would get in trouble. I asked what they were going to accuse me of and Begiashvili told me that wheat and flour were lost in the mill and if I did not leave the party in time they would create problems for me”, Akaki Taliashvili told the Information Centre of Kakheti.

Shalva Mosashvili, inhabitant of Vakiri village, was threatened with being arrested because his wife Nana Mosashvili co-operates with the coalition Georgian Dream. According to Shalva Mosashvili, they threatened him based on the instructions of Nugzar Abulashvili - Signaghi district majoritarian candidate of the ruling party.

⁶³ <http://www.humanrights.ge/index.php?a=main&pid=14849&lang=eng>

⁶⁴ <http://www.humanrights.ge/index.php?a=main&pid=15254&lang=eng>

⁶⁵ <http://www.humanrights.ge/index.php?a=main&pid=15256&lang=eng>

“My wife Nana Mosashvili began to work with Georgian Dream in the Kardakari (“door-to-door”) program several days ago. Three days later, they sent people to me and suggested to take my wife away from the coalition Georgian Dream, but I refused. Then they sent a couple more men and threatened to arrest me. Two of them told me that it was Nugzar Abulashvili’s order to stop resisting”, Shalva Mosashvili stated.

The Information Centre of Kakheti could not contact policeman Giorgi Begiashvili. Majoritarian candidate Nugzar Abulashvili stated that he did not know anything about threats made to Shalva Mosashvili. “I am not interested in it and I am not well informed about it. Go and ask those who told you about this”, Nugzar Abulashvili told the Information Centre of Kakheti.⁶⁶

2. Interference in Journalistic Activities

On January 31, Kakheti regional prosecutor’s office arrested journalist Sopho Nikolashvili on charges of attempted premeditated murder. The journalist’s father, Dato Nikolashvili is an activist with “Georgian Dream”. The prosecutor’s office blamed Sopo Nikolashvili for the attempted murder of police officer Giorgi Sibashvili. Giorgi Sibashvili, 23, is an officer at the Kakheti main department of the Ministry of Internal Affairs (MIA). His father, Gocha Sibashvili is deputy chief police officer of Gurjaani district. Law enforcement officers notified the detainee’s family about her detention only on the morning of February 1. Her family members told the ICK that they were looking for the girl in hospitals and among relatives all night long. Gurjaani district prosecutor’s office classified any information related to Sopiko Nikolashvili’s case.⁶⁷

The head of Information Center of Shida Kartli, Saba Tsitsikiashvili, was beaten in Karaleti village in Gori district while performing his professional duties. The Karaleti village attorney physically abused Tsitikashvili who was taken to Gori hospital.

The victimized journalist told Information Center of Kakheti that Georgian Dream activists had held a meeting with their supporters in Karaleti. Employees of the village administration and people affiliated with Badri Basishvili tried to interrupt the meeting and physically assaulted journalists too.⁶⁸

An Info 9 film crew was physically assaulted in the village Tsedisi. Journalist Rezo Nadiradze and cameraman Lekso Alexidze arrived in the village to cover a protest assembly. Tsedisi residents intended to block the road, requesting drinking water. Suddenly, a car with state license plate SOV 001 arrived in the village.

⁶⁶ <http://www.humanrights.ge/index.php?a=main&pid=15261&lang=eng>

⁶⁷ <http://ick.ge/ka/jinvestigation/9700--i.html>

⁶⁸ <http://www.humanrights.ge/index.php?a=main&pid=15175&lang=eng>

A person from the car hit the team's microphone. When the reporter asked for the reason of his behavior, a second person from the car physically assaulted the journalist and cameraman. The incident was video-recorded⁶⁹. Villagers also interfered in the scuffle and the unknown men in the car were forced to leave Tsedisi. Tsedisi residents recognized one of the people in the car as police officer Samson Vanishvili from the neighboring village Ateni.⁷⁰

In Gori district, aggressive people apply various methods to interrupt meetings held by Georgian Dream's leaders in local villages. They are aggressive with journalists too. A person in Akhaldaba village, for example, demanded that cameraman Tornike Tibilashvili from the news agency INFO 9 stop filming and then punched him in the face. A quarrel between supporters of the opposition and the ruling parties took place in the same village.

The INFO 9 cameraman had his eye injured and video-camera broken. Tibilashvili sought medical assistance and applied to the Public Defender for help. His assailant was video-recorded but journalists have been unable to identify him. Tibilashvili said he was attacked when he was shooting a quarrel in the street.⁷¹

Ten journalists were injured as a result of an incident in Karaleti. The Public Defender's Office told Information Centre of Kakheti that representatives of News Agency "INFO 9" Tamta Iluridze, Eka Iluridze, Shorena Khabalashvili, Rezo Nadiradze and Lekso Aleksidze, journalists of the Ninth Channel Nukri Beglarashvili and Nodar Skhirtladze, representatives of TV-Company "Trialeti"-Nino Bolashvili and Mamuka Kevkhishvili and Saba Tsitsikashvili, journalist of the Information Centre of Shida Kartli were all injured.

The Public Defender stated that according to the journalists' statements, some of them had equipment damaged and they were all taken to Gori MIA office after the incident.

"News agencies reported that an incident occurred during Georgian Dream's meeting with local people in Karaleti village in Gori district. A group of citizens insulted participants of the meeting and it turned into a physical assault. As a result, several activists and journalists were injured. At present, reportedly, there are 13 activists with different injuries in the Gori hospital "Gormedi". A Public Defender's representative got in touch with the injured journalists. According to the sources, the Ministry of Internal Affairs has already begun an investigation. Consequently, I call on law enforcement bodies to conduct a rapid and effective investigation to identify the

⁶⁹ <http://info9.ge/?l=G&m=1000&id=848>

⁷⁰ <http://www.humanrights.ge/index.php?a=main&pid=15130&lang=eng>

⁷¹ <http://www.humanrights.ge/index.php?a=main&pid=15179&lang=eng>

perpetrators. The Public Defender of Georgia continues gathering explanations and information on the incident,” read a July 12 statement from the Public Defender.⁷²

“INFO 9” Journalist Tinatin Matinova was trying to get information from George Latibashvili, a specialist at Signagi district administration. An individual identified as Natia Mirianashvili chased her with a microphone and prevented the district administration employee from giving an interview to INFO 9.

“Giorgi, please listen to me, don’t give her an interview,” Natia Miranashvili told the district administration’s specialist. Afterwards she herself asked questions to the “INFO-9” journalist and cameraman.⁷³

On May 11, a security officer at the Dusheti district administration did not allow **journalist Bela Zakaidze and cameraman Zurab Pataridze of Studio GNS** to video-record the administration building. He insulted Pataridze in the yard and tried to damage the camera, cursed him and threatened to: “break your hands, dig out your eyes”. A criminal case was opened on June 6 after nongovernmental organizations requested the *Interagency Task Force* of the National Security Council to respond to the incident.

On May 20, the deputy head of the Tianeti police department, Mamuka Shalamaberidze, dragged the **head of Information Center of Kakheti Gela Mtvlishvili** into the police office, physically and verbally assaulted him. Mtvlishvili was taking photos of the building. Shalamaberidze seized the camera from him, and erased videos and photos from it. Police officers called the medical emergency brigade after Gela Mtvlishvili had requested doctor’s assistance several times. As soon as ambulance arrived, the police officers pushed Gela Mtvlishvili out of the office. Afterwards, the journalist spent several hours in Tianeti hospital; he had bruises on the head and a concussion confirmed by medical records (form 100). 30-40 minutes after the incident, the head of the Analytic Department of the MIA Shota Utiashvili stated that Mtvlishvili had broken into the police office and refused to leave.

On May 25, a journalist of the newspaper **Guria News, Tamar Lepsveridze and her representative, head of Legal Aid Center for Media, Natia Kapanadze** were not allowed to take personal items, including a dictaphone and notebook into the Chamber of Control where they intended to attend a public hearing. They were thoroughly searched and requested to leave all their belongings with the security guards.

Although journalists had a right to audio-record the public hearing, the head of regulation department, Jimsher Doborjginidze, and the head of the press-center at the Chamber of Control,

⁷² <http://www.humanrights.ge/index.php?a=main&pid=15187&lang=eng>

⁷³ <http://www.humanrights.ge/index.php?a=main&pid=15170&lang=eng>

Pati Mamiashvili, categorically refused them this right. Afterwards, Doborjginidze tried to seize the dictaphone from the journalist. Although there is an audio-recording of this incident, the Chamber of Control denies this fact.

On May 26, Ministry of Defense representatives did not allow a Voice of America reporter to cover a rehearsal of the military parade dedicated to the Independence Day of Georgia in Kutaisi. After the parade, a security guard of the Georgian President Mikheil Saakashvili did not allow a reporter from the **newspaper Netgazeti** to video-record the President's meeting with the local population.

On June 6, Company Tbilisi Mikroavtobusi switched off voice signals of radio-stations in mini-buses. The drivers, who were asked to park their mini-buses unlocked at night, found radio-sets removed from the cars. Tbilisi Mikropavtobusi spread statement that companies, who transport passengers by yellow mini-buses in the capital, have signed contracts with independent legal entities on advertisement service. According to the contract, advertising company is authorized to place outside ads on mini-buses and to install advertising monitors inside the vehicle where voice ads will be shown.

3. Infringements on Free Enterprise

American John Wurdeman from Signagi, owner of the Pheasant's Tears Company, was compelled to refuse the TV-Company Ninth Channel to rent his space. Wurdeman's brother-in-law, Shalva Mindorashvili, told ICK that after they had filed documents with the Civil Registry to register the rental-agreement, Wurdeman was contacted by phone and told to refuse Ninth Channel to rent his space. Ninth Channel have been unable to rent an office in Gurjaani as well. They started negotiations with several property-owners but before the contracts were signed, the owners refused to rent their space to the TV-company.⁷⁴

Workers who were renovating Georgian Dream's Akhmeta office were kicked out of the family hotel in the region where they were staying.⁷⁵

The co-owner of cable provider [Global TV](#), Alexander Ronzhes, was held for questioning for more than five hours in Tbilisi airport in connection with a “suspicious transaction” involving a large amount of money.

He was “questioned as a witness” in the ongoing probe involving “potential case of legalization of illegal income,” investigations unit at the Ministry of Finance said. It said that Ronzhes, on June 8 sold a property in Tbilisi for GEL 3.1 million, which he had bought in 2004 for GEL

⁷⁴ <http://www.humanrights.ge/index.php?a=main&pid=14938&lang=eng>

⁷⁵ <http://www.humanrights.ge/index.php?a=main&pid=14619&lang=eng>

180,000. Ronzhes withdrew a significant portion of the sum received [from property sale] from his bank account, which, according to Georgian legislation and international standards, represents a suspicious transaction. Because he did not declare the sum while crossing the Georgian border, it was deemed appropriate to question Alexander Ronzhes as a witness,” the Finance Ministry’s investigations unit said.⁷⁶

Thousands of satellite dishes, which the Tbilisi-based Maestro TV was planning to hand out, was seized as part of the ongoing investigation into alleged vote-buying related to Georgian Dream opposition coalition leader Bidzina Ivanishvili, the chief prosecutor’s office said on July 11.

“In the course of the investigation opened on June 20, 2012 into the crime of vote-buying, Maestro Ltd, under the instructions of Elita Burji Ltd - a company associated to Georgian Dream Coalition, has recently imported thousands of satellite antennas,” Chief Prosecutor’s Office of Georgia reports.

“The investigation has sufficient evidence to believe that the antennas will be distributed according to the scheme of vote-buying previously used by Global Contact Consulting [Global TV],” the chief prosecutor’s office said.

The company Global Contact Consulting, which is publicly known as Global TV and is co-owned by Bidzina Ivanishvili’s brother, had its uninstalled satellite dish antennas seized on June 21.

The director of the TV-Company Maestro, Bacho Kikabidze, said that the accusations from the prosecutor’s office were absurd.⁷⁷

National Bureau of Enforcement (NBE) at the Ministry of Justice put up for auction the property of Burji, a company affiliated to Georgian Dream leader Bidzina Ivanishvili, after the company’s failure to pay a GEL 11 million fine imposed earlier this month for alleged violation of political party funding rules.

The property put on auction includes real estate in Tbilisi and Sachkhere with a total area of over 36,000 square meters, and 203 vehicles of various types, among them cars, minibuses, pick up vehicles and cargo trucks, as well as several bulldozers and tractors.⁷⁸

On July 7, Tbilisi City Court upheld the decision by the State Audit Service a day earlier to fine Burji and Management Service, companies affiliated with leader of Georgian Dream opposition coalition Bidzina Ivanishvili, with total of GEL 11 million (about USD 6.68 million).

⁷⁶ <http://www.humanrights.ge/index.php?a=main&pid=15021&lang=eng>

⁷⁷ <http://www.humanrights.ge/index.php?a=main&pid=15165&lang=eng>

⁷⁸ <http://www.humanrights.ge/index.php?a=main&pid=15224&lang=eng>

A financial penalty was imposed on Burji for two separate cases involving allegation of violating party funding regulations while providing services to political parties within the Ivanishvili-led Georgian Dream coalition.

In one case Burji was fined GEL 8.64 million (about USD 5.24 million) for, as the State Audit Agency claimed, donating non-monetary funding to the Georgian Dream in the form of providing transportation services “free of charge” with the use of 54 vehicles of various types in June.

Lawyers for Burji said the court’s ruling was unfair, and fully relied on groundless arguments of the State Audit Service; they also denied that the company was providing transportation services free of charge. The lawyers added that the fine itself was disproportionate, saying that the figure was calculated not based on the worth of the alleged transportations services provided, but based on the total value of 54 vehicles.

In another case, discussed by the Tbilisi City Court during a separate hearing also on July 7, Burji and another company, Management Service, were both fined a total of GEL 2.37 million (about USD 1.44 million).

The State Audit Service claimed that the price for renovation of office spaces for Georgian Dream parties by Burji, contracted by Management Service, was artificially deflated, which in turn amounted to a non-monetary corporate donation. Lawyers representing Burji said that like in previous case, here too the court was biased in favor of the State Audit Service, which, the lawyers said, grossly inflated value of provided renovation works.

4. Pressure on Private Individuals

Tbilisi City Court charged 17 donors to political parties with illegal donation and imposed on them fines five times the transferred donations.

Judge Giorgi Mikutadzes concluded: “Free Georgia” member Giorgi Mosiashvili has to pay 125 350 GEL. Another member of “Free Georgia” Aleksandre Shalamberidze was fined with 40 250 GEL; Irakli Chubabria with 79 145 GEL; Badri Cinckiladze with 40 100 GEL; member of the Georgian Conservative Party Bidzina Gudjabidze with 150 000 GEL; Davit Batsikadze with 135 750 GEL; Zaal Gogsadze with 60 000 GEL; Givi Ramazashvili with 80 000 GEL; Giga Bukia with 77 250 GEL; Kahka Chakvetadze with 93 460 GEL; Levan Chichua with 24 987 GEL; Avto Davitadze with 114 192 GEL; Bejan Odiashvili, who donated 5 000 GEL to “National Party” was fined with 25 000 GEL; Maia Taniashvili with 24 986 GEL; Irma Davtidaze with 78 365 GEL; Marina Nadiradze with 57 400 GEL; and Leila Chkareuli with 20 000 GEL.⁷⁹

⁷⁹ <http://www.humanrights.ge/index.php?a=main&pid=15138&lang=eng>

February, 2012: Bidzina Ivanishvili's public movement Georgian Dream no longer has an office in Dedoplistskaro region. The owner of the office cancelled the agreement with Georgian Dream a day after the signing. "In the building near the local government which belongs to Soso Uzunashvili, Republican Party has rented two rooms. Other rooms are also available there. When Georgian Dream decided to rent an office building, representatives from Tbilisi arrived and talked to the owner of the building and rented three rooms. They signed the contract as well. On the second day, the owner of the building came. He was very concerned. He was crying. He said that he had to cancel the agreement on these three rooms," – the head of Dedoplistskaro regional organization of Republican Party Nodar Toklikishvili told Kakheti Information Center.⁸⁰

5. Activities of the Financial Monitoring Service of the State Audit Office (Formerly Chamber of Control)

On March 12, 2012 hundreds of Georgian citizens were interrogated in several regions on the initiative of the State Audit Office (SAO) [formerly Chamber of Control]. In the days before, people received summons which were very similar to the content of the prosecutor's office's summons and read: **"The Georgian state audit agency, which is in charge of monitoring political parties' funding, is carrying out an administrative investigation on hypocritical funding of political entities and you are summoned to provide receipts concerning the issue. Additionally, based on Article 252 of the Administrative Code of Georgia, you have the right to study case materials, provide receipts, provide evidence, raise solicitations, and enjoy your right to defense. You can also enjoy the service of an interpreter and appeal against the judgment. Failure to provide the Chamber of Control with the requested information is punishable under Georgian law. You must arrive at Tsereteli Str.2, 1st floor at 12:00 pm on March 12, 2012."**

The citizens, who were summoned to the district administrations by the SAO, left the office without comments. They said they were instructed by the SAO not to comment on the issue.⁸¹

Representatives of the Chamber of Control interrogated Asmat Atuashvili from the National Forum in the office of Sagarejo district administration on March 12. Her interrogation lasted 45 minutes. "Before my interrogation the police searched me. They started searching me in the corridor; they seized my bag and cell phone; I had to take my coat off. They even searched me under my clothes. The girl searched me everywhere; she even checked the metal in my bra. The apparatus made signal when I went through and she asked what I had there. I told her it was the

⁸⁰ <http://www.humanrights.ge/index.php?a=main&pid=15139&lang=eng>

⁸¹ <http://www.humanrights.ge/index.php?a=main&pid=14589&lang=eng>

metal in the bra, nothing more. They said my child will lose her mother unless I stop my activities,” Asmat Atuashvili recalled.⁸²

On March 13, MIA investigator Kakha Sajaia was interrogating 6 people in the Lanchkuti municipal board during several hours as representative of the State Audit Office. On March 11, several citizens received equal summons from the Chamber of Control stating: “Georgian state audit agency, which is in charge of monitoring political parties’ funding, is carrying out administrative investigation on hypocritical funding of political entities and you are summoned to give receipts concerning the issue.”

Lili Ebralidze, member of Lanchkhuti district office of the Republic Party, received summon in the morning of March 12. She recalled: “he was asking me about Ivanishvili’s citizenship and funding... he was asking how much I was paid for having collected signatures and distributed newspapers of the Georgian Dream. I told him nobody had paid money to me for it and I was not working with the Party for money. I said I was a member of the party, and believed that they could change our life for the better, and added that I would continue my activities without a salary. Then he told me, he had already arrested two persons and I could share their fate too. I told him if he arrests me, I would be a political prisoner and what would they do next? Would they arrest all of Georgia? He asked me back: are you already all of Georgia? And I replied: Yes, we are except United National Movement members and you.”⁸³

On March 13, Employees of the Chamber of Control interrogated 13 supporters of the Georgian Dream without attorneys in Sagarejo. Head of Sagarejo district office of the Republic Party Gela Kevlishvili told the Information Center of Kakheti about it.⁸⁴

Zugdidi organization of Republican Party states its officials were abused by representatives of the Chamber of Control. As the head of the party Nona Toloraia stated at a briefing held **on March 13th**, the people asked to come to the meeting were given different kinds of instructions.⁸⁵

The Financial Monitoring Service of at the SAO was supposed to interrogate supporters of Georgian Dream in Gurjaani on March 13th. The interrogation has not taken place yet. Supporters of Georgian Dream requested to see the case materials before the interrogation. On March 13th, the former head of the Chamber Control of Georgia [currently State Audit Office] Levan Bezhashvili made a comment regarding the interrogation of Georgian Dream activists in the regions: “We are collecting information. Then we will compare it to the declarations

⁸² <http://www.humanrights.ge/index.php?a=main&pid=14613&lang=eng>

⁸³ <http://www.humanrights.ge/index.php?a=main&pid=14591&lang=eng>

⁸⁴ <http://www.humanrights.ge/index.php?a=main&pid=14596&lang=eng>

⁸⁵ <http://www.humanrights.ge/index.php?a=main&pid=14602&lang=eng>

presented by the political parties to the Chamber of Control to ensure transparency of their work,” Bezhashvili said.⁸⁶

*More than 20 people were summoned by the Chamber of Control in Poti. Among them were members of the Republic Party and activists who distributed Georgian Dream’s newspapers. On March 13, the members of the Republic Party’s Poti office held a briefing regarding the issue.*⁸⁷

*On March 19, Chamber of Control officials interrogated Veniko Ivanishvili living in the Telavi municipality local government building. Veniko Ivanishvili has no connections with Georgian Dream. As Veniko Ivanishvili’s wife Tsitsino Ivanishvili stated to Kakheti Information Center, they received a summon order on March 15th. “My husband is not a supporter of any political party. He has not participated in any party activities. When signatures were being collected requesting of the of restoration Bidzina Ivanishvili’s citizenship, we also signed it,” – Tsitsino Ivanishvili said.*⁸⁸

On March 19, supporters of Georgian Dream, who left the interrogation room, declared that Chamber of Control inquired about their family situation and income of family members during the interrogation.⁸⁹

About seven weeks after the Chamber of Control summoned and questioned a large number of activists and supporters of the Bidzina Ivanishvili-led opposition coalition, the Georgian Public Defender said on May 1 that the process was carried in violation of the rights of the questioned individuals.⁹⁰

*On March 20, Bidzina Ivanishvili has been fined by the state audit agency, Chamber of Control, with GEL 2.72 million for making “illegal” political donations.*⁹¹

On June 11, Tbilisi City Court fined leader of the Georgian Dream Bidzina Ivanishvili initially with 126 million GEL and then with an additional 22.42 million GEL within one hour. According to Interpressnews, Ivanishvili has to pay 148 650 131 GEL in total.

⁸⁶ <http://www.humanrights.ge/index.php?a=main&pid=14601&lang=eng>

⁸⁷ <http://www.humanrights.ge/index.php?a=main&pid=14600&lang=eng>

⁸⁸ <http://www.humanrights.ge/index.php?a=main&pid=14641&lang=eng>

⁸⁹ <http://www.humanrights.ge/index.php?a=main&pid=14640&lang=eng>

⁹⁰ <http://www.civil.ge/eng/article.php?id=24715&search=>

⁹¹ <http://www.humanrights.ge/index.php?a=main&pid=14650&lang=eng>

Tbilisi City Court approved on June 11 a decision of the State Audit Service imposing GEL 126.22 million (about USD 77.24 million) on leader of Georgian Dream opposition coalition Bidzina Ivanishvili.

According to Civil Georgia, GEL 126.22 million fine was imposed in connection to the case in which the state audit agency claimed that distribution of satellite dish antennas free of charge by Global Contact Consulting (Global TV) with use of Ivanishvili's funding constituted a violation of party funding rules.

The agency said that the move actually amounted to giving gifts to voters with a total worth of GEL 12,622,019 and was requesting the court to fine Ivanishvili with five times this amount. This sum, however, was further doubled to GEL 126.22 million because this violation of the law, according to the court's decision, was committed multiple times by Ivanishvili.⁹²

Global Contact Consulting believes the decision on putting lien on its antennas to be illegal and plans to protect its rights at the international level, company representative Zurab Bazlidze told media.ge.

According to him, the Company considered the recommendations from the Chamber of Control and the National Enforcement Bureau and decreased the payment period for installment of Global TV antennas from 10 to 6 years and increased the monthly fee from GEL 4 to GEL 5.5. "We continued installing the antennas only after considering those recommendations," Bazlidze says. According to him, a majority of antennas was stored on Elita Burji Company premises.

Georgian Prosecutor's Office made the decision on putting lien on not yet installed antennas from Global Contact Consulting on June 21. The Prosecutor's Office claims an investigation has been launched based on evidence of bribing voters, provided by the Chamber of Control [currently State Audit Office].⁹³

While opposition parties faced increased scrutiny of their party finances, the financing of the ruling United National Movement (UNM) seemed to attract less attention. One interesting fact revealed about its finances was that among the businessmen and acting officials of the government, who donate to the ruling party, there are people whom the current government previously arrested as members of organized criminal groups.

According to the Financial Monitoring Service at the Chamber of Control (CoC), the ruling party received the most donations – 1 768 492 GEL from 75 physical persons – from January 1 to June 19, 2012.

⁹² <http://www.civil.ge/eng/article.php?id=24715&search=>

⁹³ <http://www.humanrights.ge/index.php?a=main&pid=15052&lang=eng>

People, whom the acting government arrested for criminal activities, are among the big donors of the United National Movement [UNM]. For example, physical persons Sergo Labartkava and Tamaz Jamagidze donated 40 000 GEL each to the UNM. Officers of the Constitutional Security Department detained them on March 30, 2010 for membership in a criminal group which had extorted 370 000 GEL from an entrepreneur in exchange of reduced tax payment. This crime envisages imprisonment up to 10 years and, as the CoC reports, these people donated solid sums to the United National Movement.⁹⁴

The State Audit Office has declared several nongovernmental organizations to be connected with Georgian Dream and seized their bank accounts on that ground.

The Georgian Chamber of Control's Party Monitoring Service, under the law infringement protocol, found that the Georgian Football Supporter, a non-entrepreneurial non-commercial legal entity, was guilty of receiving up to USD 200,000 in illicit donations from different individuals and legal entities.

The Monitoring Service, subsequently, fined the Georgian Football Supporter and froze its accounts under paragraph 1 and 4 of the article 261 and paragraphs 1 and 3 of article 342 of the Georgian Organic Law on Political Unions of Citizens.⁹⁵

The Party Funding Monitoring Service at the Chamber of Control fined German citizen Bidzina Giorgobiani with 900 000 Euro – double the amount of the donation- for having illegally donated to the foundation Komagi. There are several circumstances to be pointed out in relation to this case:

1. The Party Funding Monitoring Service at the Chamber of Control did not provide any evidence proving that Bidzina Giorgobiani is associated with the Georgian Dream. Public statements of Mr. Giorgobiani or any citizen on political views can demonstrate only his/her political sympathy-antipathy and it cannot be considered valid evidence of direct or indirect connection of the person with a political party.

2. On May 17, the Chamber of Control released incorrect information stating that money was transferred from Germany by Bidzina Giorgobiani, secretary of foreign relations at the Georgian Conservative Party and member of the political coalition Georgian Dream – Democratic Georgia. State institutions were aware that the time of the money-transfer Giorgobiani was a citizen of Germany. The government alleges that if a Georgian citizen received foreign citizenship, he automatically loses Georgian citizenship unless the president of Georgia grants him/her double citizenship. Thus, Mr. Bidzina Giorgobiani lost Georgian citizenship as soon as

⁹⁴ <http://www.humanrights.ge/index.php?a=main&pid=15055&lang=eng>

⁹⁵ <http://www.humanrights.ge/index.php?a=main&pid=15238&lang=eng>

he was naturalized in Germany. In accordance to the Law of Georgia on Political Unions of Citizens “citizens of Georgia with the right to participate in the elections can establish a political party and participate in its activities.” Thus, Bidzina Giorgobiani could not be a member of any political party though the Chamber of Control alleged it. The state audit company should have known about this fact at the time of making the statement above or contacted Mr. Bidzina Giorgobiani to find out the situation before making the statement.

3. Bidzina Giorgobiani claims that the “donation was made by German Foundation 'Osteuropa – Medien & Gessellschaft' and he is executive director of the Foundation.” The Chamber of Control breached the law in this particular case too because it is only entitled to prove illegality of the money transferred not by Giorgobiani but by the German Foundation and to impose the fine on the latter.

4. The Chamber of Control decided to declare the Foundation Komagi aligned with the coalition Georgian Dream on May 18, 2012 - one week after Bidzina Giorgobiani had signed the document on money transfer. Thus, Bidzina Giorgobiani could not have known that Komagi fell under the restrictions for political parties established in Georgia and that the transfer was illegal. Additionally, based on the May 18 decision, the Chamber of Control sequestered bank accounts of the Foundation “Komagi” thus depriving both the donor and recipient to remedy the alleged violation.⁹⁶

The aforementioned organizations were mostly engaged in charity activities.

The Georgian Ministry of Internal Affairs (MIA) continued mass interrogations of citizens who applied to the charity foundation “Komagi” at various times. NGOs have already expressed their concern about the fact.⁹⁷ Even pension accounts of the summoned people were frozen.

U.S. Ambassador to Georgia, John Bass, said he was “concerned about the controversy surrounding the Chamber of Control's recent activities,” referring to the state audit agency, which is also in charge of monitoring political finances. “The lack of clear guidelines regarding its work to implement campaign finance legislation will not increase public confidence in this institution or in a competitive campaign environment,” Ambassador Bass said in a comment posted on his Facebook account.⁹⁸

⁹⁶ <http://www.humanrights.ge/index.php?a=main&pid=14986&lang=eng>

⁹⁷ <http://www.humanrights.ge/index.php?a=main&pid=15119&lang=eng>

⁹⁸ <http://www.humanrights.ge/index.php?a=main&pid=14625&lang=eng>

VII. Conclusion

Human Rights Center studied and investigated *39 cases of alleged politically motivated oppression, intimidation and persecution; 10 cases of interference in professional activities of journalists; 7 incidents of alleged politically motivated pressure on entrepreneurs and private owners; countless cases of interrogation and fining of members, donors and activists of the opposition political parties by State Audit Office of Georgia (former Chamber of Control).*

During the pre-election period the target of the government's activities has been the new opposition coalition Georgian Dream. Since October, 2011 when Georgian billionaire Bidzina Ivanishvili announced his intention to establish an opposition political party, Ivanishvili and his coalition have faced problems. Initially, Ivanishvili himself faced problems - the loss of Georgian citizenship, the ungrounded refusal to restore his citizenship, etcetera - and later, after he established a political organization, the organization and its political parties faced a new set of problems – endless fines, seizure of property etcetera. In the same period, private legal entities associated with Bidzina Ivanishvili also faced problems. In most cases, the financial problems were artificial.

Significant amendments introduced to the Law on Political Unions, the Administrative Code of Georgia and the new Election Code (December 28, 2011) in December of 2011 to restrict large-scale funding of political processes, were in fact motivated by the appearance on the Georgian political scene of a new opposition.

Although the purpose of similar restrictions on the introduction of large-scale financial resources in politics is acceptable, the legislative changes were evaluated differently. A majority of Georgia-based human rights NGOs find the amendments too radical in some cases and irrelevant and inadequate in others. Moreover, the organizations believe that the new legislative amendments allow for extremely wide interpretation and that they might be used selectively – against the political powers opposing the government.

In this view, it should be taken into consideration that the SAO mostly fines political parties and leaders from the opposition coalition. The imposed fines amount to several million, unprecedented in the history of Georgian politics. Almost all fines that have been imposed by the SAO have been unconditionally upheld by the common courts. Moreover, the courts discuss those cases during an unjustifiably short time considering the severity of the sanctions. Very often human rights organizations cast doubt on the legality of the fines. The times that opposition donors have been fined without an impartial investigation has increased only for one reason – allegedly those people cannot prove the source of the funds they have donated to the party and are thus fined exorbitant amounts.

That the SAO remains loyal toward the ruling United National Movement could be indicated by the fact that, according to surveys carried out by various organizations, the ruling party receives the most donations.⁹⁹

It is noteworthy that the political climate is extremely polarized. Most pre-election meetings held by the main opposition coalition Georgian Dream were conducted amid loud encounters with supporters of the ruling party, which on some occasions even turned physical. In these instances, the inactivity of police officers present at the scene is particularly disconcerting, as is the aggression, and sometimes outright criminal conduct, of public servants attempting to disrupt some of the opposition's meetings, showing blatant disregard for people sympathizing with the opposition's views.¹⁰⁰

Very often administrative imprisonments are imposed on the victims of these physical clashes while the initiators of the violence are either completely exonerated of liability or treated with more lenience by state institutions loyal to their political views.

Dissemination of information also poses a problem to a free and fair pre-election process. TV channels without ties to the government lack the chance to broadcast in the regions of Georgia. Although the Parliament of Georgia adopted relevant legislative changes that obliged cable operators to broadcast all channels during two months before Election Day, the cable operators mostly cover large towns of Georgia while almost 50% of voters live in provinces where satellite antennas remain the only source for alternative information.

Two non-government aligned TV companies decided to distribute satellite antennas on favorable payment plan conditions in the regions to enable local residents to watch pro-opposition channels together with the channels which are loyal towards the government. However, the SAO seized the satellite antennas imported by those TV companies, viewing it as bribery of voters. Hence, most of the population in the regions still lack access to alternative information, which might negatively affect the informed decision of voters in the regions.

Availability of alternative information sources is important during the entire pre-election period not only leading up to Election Day, promoting informed decisions, but on Election Day as well. For the sake of transparency of the elections and a feeling that the process is conducted under public scrutiny, the voter needs to have access to information when the votes are tallied.

⁹⁹ <http://transparency.ge/post/report/politikuri-partiebis-pinansebi-2011>

¹⁰⁰ In some cases signs of crimes envisaged under Article 142.2 of the Criminal Code of Georgia are observed like violation of equality due to political affiliation of individuals via abuse of power that essentially breached human rights. Besides that, actions punished under Articles 156 and 154 of the CCG – persecution of individual on his/her political activities and illegal interference in the journalist's professional activities.

Complete information is important in order to allow voters and election subjects to form an impression of the ongoing elections.

In this view, the statement of Davit Bakradze, chairman of the Parliament of Georgia, is important: *“the state believes it is possible due to democratic interests to involve, during pre-election period, [cable operators and television stations] in the carrying [of compulsory transmission]. As for any other period, it is a voluntary process.”*¹⁰¹ It is noteworthy that the chairman of the parliament justifies the principle of must carry by democratic interests even though this democratic interest is not finished on the day prior to Election Day and that the focus on Election Day and during the counting process still is the election. This kind of statement by the second person in government does not seem to take the problem seriously.

Persecution based on political affiliations is particularly common in the regions of Georgia. People are often fired from their jobs because of their political views, and many teachers in state public schools have become victims of this trend.

Many of the violations in this report could be labeled abuses of administrative resources. And, the ruling United National Movement's dominance on all levels of state authority makes it difficult to discern many more. Articles 48 and 49 of the Organic Law of Georgia Election Code of Georgia clarifies the notion of administrative resources and Article 89 of the same Code estimates special financial sanctions for the abuse of those resources. Despite that, in most cases it is difficult to differentiate whether a concrete governmental official is implementing his/her duty or is carrying out pre-election agitation.

Moreover, very often political groups, particularly during the pre-election campaigns of the ruling party, serve food to voters. Most of these meetings are held behind closed door away from public scrutiny.

The pre-election environment is thus tense and very often conducted outside legislative frameworks. Unfortunately, the government seemingly lacks the political will to carry out the process within the existing legal framework, negatively impacting the fairness of the pre-election process and public trust toward it. We should also take into consideration that Article 2 – “c” of the Election Code of Georgia regulates the entire election process, the “purpose and result [of which] is to elect representative bodies of government and officials of public authority.” So, in order to declare the elections to be held as fair, all parts of the election process which might have an impact on it, among them, the pre-election environment shall also be fair. Each violation observed during the pre-election process will in the end harm the legitimacy and fairness of the elections in general.

¹⁰¹ <http://www.civil.ge/eng/article.php?id=25029&search=>

Human Rights Center (HRIDC)

3-A, Al. Kazbegi Ave., 2nd Entrance, 4th Floor, Apt. 22, Tbilisi, 0160 Georgia

Tel: (+995 32) 237 69 50

Fax: (+995 32) 238 46 50

Email: hridc@hridc.org

Website: www.hridc.org www.humanrights.ge