

Preliminary Report on Georgia's Presidential Elections 2008

Human Rights Centre



Human Rights Centre

www.humanrights.ge

11 January 2008

Introduction

The Government of Mikheil Saakashvili which came into power as a result of the “Rose Revolution” in the autumn of 2003, has successfully implemented a series of economic reforms that lead to a boost in foreign direct investment and steady economic growth in the country. However, an aggressive state building policy, intensively supported by both the United States and Europe, created a political imbalance. The political opposition was too weak and disorganized to counterbalance the government, whereas financial assistance from the west for local watchdog NGOs was dramatically decreased. Some of the major problems that developed as a result of the political imbalance include: formation of elite corruption, weakening of the judiciary, summary killings carried out by government officials and unprecedented prison overcrowding.

Public dissatisfaction reached its peak in late October when political parties from the opposition created a coalition and started organizing demonstrations. November 2 became a starting point for mass demonstrations¹ which continued until November 7th when demonstrators were violently dispersed. Saakashvili introduced a state of emergency on the same day. Emergency rule allowed the restriction of fundamental rights including the freedom to receive and impart information and the freedom of assembly and association. Two television companies, Imedi TV and Caucasias, were taken off the air a few hours before introducing the state of emergency.

On November 8th, Saakashvili announced Presidential Elections, which would be held on the 5th of January 2008. The international community stood firm in requesting an immediate lift of the state of emergency to allow for a just and fair pre-election campaign. As a result, the state of emergency was lifted on November 16th. However, Imedi TV - the only television company that broadcasts in the whole territory of Georgia and which was critical of government actions - remained off the air after its broadcasting license was suspended.

Members of the Coordination Council of the Coalition of Independent Georgian NGOs (hereinafter: the Coalition for Democracy²) decided to unify their resources to carry out extensive monitoring of the Presidential Elections of January 5th. This preliminary report contains information and findings of the Human Rights Centre (HRIDC) with respect to the three phases of the Presidential Elections: the pre-election, election and post-election periods.

The Human Rights Centre (HRIDC) - formerly known as the Human Rights Information and Documentation Centre - is a member of the Coordination Council of the Coalition for Democracy. The Centre has a network of journalists and lawyers, who are based in six regional offices and has a headquarters in Tbilisi. Information contained in this report is provided by the staff of HRIDC, who acted in the capacity of observers on Election Day.

1. Violations observed in the pre-election period

Since the announcement of the date of the Extraordinary Presidential Elections, the Centre has collected information on the breaches of the requirements of Georgian legislation during the pre-election campaign. The report compiles information that has been grouped in three categories:

- Direct/indirect pressure of voters;
- Abuse of administrative resources; and
- Voters' list fraud.

¹ It was estimated that the number of demonstrators present on the first days of demonstrations reached 150 000 people.

² The Coalition for Democracy unifies over 200 independent Georgian NGOs.

1.1. Direct/Indirect Pressure

NGOs Revealed Violations during Pre-election Campaign

Non-governmental organization “International Society for Fair Elections and Democracy” provided civil society and media sources with new information about the violations revealed during the pre-election campaign. Those violations were discovered during monitoring carried out between 17-24 December.

Eka Siradze-de-Lone, the executive director of “Fair Elections”, stated during the briefing at the media centre of NGOs involved in monitoring, that the observers were sent to all 75 election districts. According to one of the observers in Batumi, activists of the National Movement distributed food products to voters in exchange of their ID numbers. Those who did not give IDs were not handed food.

Activists stated that they needed the ID numbers in order to collect supporting signatures for their presidential candidate. Representatives of “Fair Elections” asserted that the deadline of the registration process had already expired.

Observers from the Chiatura election district stated that a young man tore down Mikheil Saakashvili’s election poster in the street and was cruelly beaten by police officers. The unconscious man was taken to the hospital. Public officials in other districts demanded their employees to take photos of the ballot paper after they marking who they have voted for. Afterwards, they would have to show the photo to the employer to inform him/her. Eka Siradze-de-Lone stated that their organization would continue observing the pre-election campaign until January 5th and then they would provide the mass media with information.

Students Trapped in Employment Programme

The students of the Akaki Tsereteli State University in Kutaisi appealed to the Human Rights Centre’s Kutaisi Office. On December 23rd 2007 they were invited to Lado Meskhishvili Theatre in Kutaisi and were not allowed to leave the theatre hall for about one hour.

The frightened students, who preferred to stay anonymous, said that, “On December 22nd, representatives of the National Movement got in touch with us and asked to go to Kutaisi Quality House (they call it the Office of Victory) in order to be registered for the Students’ Employment Programme. They asked us to bring the IDs of our parents too. We went to Kutaisi Quality House; they wrote down our data and told us to go to Lado Meskhishvili Theatre in Kutaisi because the process of taking our signatures was to be held there. We were taken to the theatre by two buses; we had to wait there for a while and finally were able to enter the building. We found pre-election materials and flags of presidential candidate Mikheil Saakashvili. Several activists were running in the theatre hall waving flags and shouting “Misha-Misha”.

Later, the students discovered they were on the forum of the National Movement’s Youth Union. The forum was attended by local young Nationalists together with their “colleagues” from Tbilisi. When the girls realised that the registration for the employment programme was only a trick to take them to the forum, they decided to leave the theatre, but it turned out to be impossible.

“Two men were standing at the exit. They refused to open the door. “To entrance was your own choice, but you will not be able to leave this place until the event is over,” they told us. When we

expressed our protest, they started to ask who we were, from which district and who our coordinator was. This argument lasted for approximately one hour. In the meantime, the number of people who wanted to go out dramatically increased. I remember one girl who was crying. It turned out that her husband called her on the phone and told her their baby was crying and asked to come home immediately,” one of the students told us.

Finally, the guests from Tbilisi learned about the problem. One of the guests came down and made the man standing at the exit open the door. The students were finally free to leave.

Opposition was Terrorized

NGOs accuse the government of human rights violation during the pre-election campaign. Human rights defenders mention oppression, threatening and physical abuse of voters and demand an adequate response from responsible bodies.

According to the Human Rights Centre, the offices of the United National Movement are officially located in private buildings, but in fact representatives of the ruling party are holding pre-election campaign activities in the buildings of local government and they are agitating and taking punitive measures against those people who do not support them.

Almost in every district of the Kakheti region, local self-governments work in favour of the United National Movement. After the observation it turned out that during working hours and especially reception days, the heads of Saakashvili’s election staff met each other in the cabinet of the governor. The citizens, who have applied to them for assistance, have received promises. In addition, when the district governor presented his work implemented through the use of local funds, he is accompanied by activists of the National Movement. They are distributing election posters and booklets among people. Although the Georgian Election Code permits governmental officials to participate in the pre-election campaign, representatives of local self-government are actively involved in these processes,” stated Lia Khuroshvili, the lawyer of the Kakheti office of the Human Rights Centre.

According to the lawyer, members of the Election Commission, police officers, the prosecutor’s office, District Branches of Subsidy Agencies, the Tax Inspection and the Department of Revenue are actively involved in the pre-election campaign.

Human rights defenders declare that representatives of local self-government firmly demand their colleagues not to cooperate with the election offices of other presidential candidates than Mikheil Saakashvili; otherwise they will be fired.

During the monitoring of the pre-election campaign, we observed the following in the Kvareli district. On December 11, Levan Gachechiladze, the presidential candidate of the United Opposition, met Kvareli residents in the Culture House. The medical staff of a maternity hospital attended the meeting and they were consequently dismissed.

Maia Kikoleishvili, the head of the maternity hospital, was warned by the local self-government that if a similar situation occurs again, she will be dismissed as well. Zaza Lomidze, the deputy governor, warned the employees of the Culture House not to attend the meeting. In order to check the staff, one of them was ordered to record the meeting in the Culture House on video. Vano Khandurashvili, an employee of the Kvareli fire department, representing the United Opposition in Kvareli Election Commission #3, was threatened and summoned to the quarters of Koba Burkiashvili, the Kvareli Municipality governor. He was demanded to support the National Movement. Other employees of governmental bodies were also pressured. For instance, Ramaz

Kerechashvili, the Gurjaani governor, forced his employees to write their resignations which are not registered at the chancellery. The resignation letters are on the governor's table and in doing so he tries to blackmail his personnel," said the lawyer.

According to the Human Rights Centre, throughout the Kakheti region most violations of the law were observed in the Kvareli, Signagi, Gurjaani and Telavi districts.

During the visit of the presidential candidate Mikheil Saakashvili, the participants of the presidential programme "Patriots" arrived by busses and they were represented to the society as Saakashvili supporters and potential voters. In fact, most of them do not have any right to vote in the election. Saakashvili and his supporters often announce on television that people all over the Kakheti region had arrived to support Saakashvili.

The taxi drivers in Kvareli and other districts were forced to put up Saakashvili's posters on their cars with the slogan "Saakashvili and I Will Win."

Aminat Alieva, the head of Election Commission #12 in the village of Tivi, and Alik Aliev, a member of the Kvareli Municipal City Council, took IDs from voters and have not returned them yet. Tivi is located within the Akhalsopeli country and it is populated by ethnic Leks. Activists of the National Movement put Badri Taturashvili, a member of the Kvareli Regional Commission in their car. This person is supposed to be supporting the United Opposition in the village of Sanavardo. Badri Taturashvili was physically abused by so called "Black Gela". According to our information the instruction was given by David Adeishvili, brother of the General Prosecutor, "declared human rights defenders in Kakheti.

Vazha Varadashvili, the head of the Kvareli election staff of the presidential candidate of the United Opposition, is of the opinion that Kvareli residents are recruited to join the local and regional governments and they are well aware of the methods of falsification in this region and that is why the violations are mainly observed in Kvareli. A tense situation also arose in the villages of Mtisdziri and Akhalsopeli. General Prosecutor Zurab Adeishvili comes from Mtisdziri and MP Marika Verulashvili is from Akhalsopeli, who is at the same time the president's spokeswoman. Of course they do not want to lose the election in these villages. Thus, they are applying to all measures," stated Vazha Varadashvili.

According to Vazha Sepashvili, the head of Badri Patarkatsishvili's election headquarters, they faced the same problems too. They tried several times to rent a building in the city for their election activities centre, but all negotiations with the owners were cancelled. As the head of Patarkatsishvili's headquarters states, the district police was actively involved in the process. They oppressed and forced the owners of commercial spaces not to rent to representatives of Badri Patarkatsishvili. The headquarters of the presidential candidate then located to one of the private houses, whose owner ran a store there before. The store had closed since tax inspection decided to check the accounts of individual entrepreneurs.

"Two men entered the shop. They bought two cigarette boxes and I immediately gave them the receipt. Then, they inquired who my family members and I intended to vote for during the elections. I did not answer them. Finally, they told me that they were from the Tax Inspection and told me to vote for Mikheil Saakashvili on January 5th. They said they have counted how many votes Saakashvili should receive and if it is not enough I would have some problems. If I obey their orders, they would discharge me from a fine," said the shop assistant.

Sighnaghi district judge, Tamaz Jaliashvili, fined lawyer Tamaz Bezhashvili, the head of the Sighnaghi election staff of the United Opposition, one hundred lari. Bezhashvili said that the

judge had found him guilty based on a report of a police officer, accusing him of minor hooliganism. “On December 20th, police officers started an argument with my son, Tsotne Bezhashvili, who is also actively involved in the pre-election campaign. They wanted to provoke him. On the next day, I went to Tbilisi. The police station was nearby. Before the car arrived, I tried to find out from Ilia Kutsikashvili what complaints they had about my son. During our conversation he accused me of minor hooliganism and drew up a detention report on me,” said Bezhashvili, who thinks that the incident was a form of political revenge.

Our attention was attracted to another incident in Signaghi. Witnesses say that police officers, investigator Giorgi Elizbarashvili, and others threatened Zaza Barnabishvili, a local resident, with planting drugs on him unless he voted for Saakashvili. Zaza told his father about the threats and the latter tried to find out more from investigator Elizbarashvili. During the conversation, the father of Barnabishvili was arrested for having injured the investigator and he was sent to prison. Zaza Barnabishvili escaped.

Nobody at the Kakheti main department of the Georgian Ministry of Internal Affairs confirmed the incident. Representatives of the Signaghi police say that Bezhashvili committed a crime and he was not fined for political reasons.

Representatives of the Tax Inspection also deny oppressing individual entrepreneurs. The Kvareli district Administration also does not agree with the complaints; they claim that almost every employee of the administration acts according to the law.

Levan Bezhashvili, the head of Mikheil Saakashvili’s election staff in Kakheti, agreed to comment on the situation. He thinks that the pre-election campaign is in compliance with the law. “I do not believe that it could even be possible that people are dismissed on the basis of their political views. However, I will find out about the Kvareli maternity house. We plan to cooperate with those NGOs who will monitor the elections on January 5 2008. We will respond to every violation. The government does its best to hold fair elections. As for the accusations from the opposition, I think that they are exaggerating the situation in order to gain more votes,” said Levan Bezhashvili.

Authorities are Accused of Persecuting Opponents

“The district governor persecutes members of district election commissions. They are invited to the Administrative Board and demanded to work against the opposition;” “Members who represent the United Opposition in Election Districts, have their holidays cancelled; they are called back to the offices and are prevented from working in support of their candidates;” “Several election districts were closed for uncertain reasons. Voters cannot check their names in the voters’ lists,” similar statements are made by representatives of the opposition and NGOs who monitored the pre-election campaign.

Zviad Kviralashvili, a representative of the United Opposition, accuses local authorities of persecuting their supporters. He said that Ketevan Paposhvili, a commission member of the Kalauri Election District in Gurjaani Election County # 12, had her vacation cancelled after the local authorities learned she supported the United Opposition. She was demanded to support the presidential candidate of the United National Movement.

“Paposhvili was called to the Gurjaani Municipality Administration to meet the district governor. The latter demanded her to stop her activities in favour of the United Opposition; they threatened her with a demotion,” said Kviralashvili who added that many other people, who support the opposition, cope with similar problems. “Several days before Levan Gachechiladze, the

presidential candidate of the United Opposition, visited the Kakheti Region, our representatives were informing people about the date and place of his visit. In the village of Shashiani police officers detained our representatives. Law enforcement officials demanded them to stop providing people with information, but soon let them free. Because of the situation we were unable to inform people properly,” said Zviad Kviralashvili.

The governor and some other public officials were oppressing supporters of the opposition. Another member of the opposition, a representative of “New Rights”, Zurab Kandelaki, confirmed this. “In the village of Chumlaki, Ekaterine Shushaberidze, a member of the election commission, was also oppressed. She was forced to submit her resignation. Similar violations were witnessed in almost every election commission throughout the Kakheti Region. We are trying to make similar violations public and demand a response, though in vain,” said Zurab Kandelaki.

NGOs have observed the pre-election campaign very actively and they have some information about violations.

Representatives of the Human Rights Centre state that voters from the Kvareli District informed them that some election districts are closed. “Our representatives checked the information by arriving during working hours. Several election centres, for example in the village of Akhalsopeli, were really closed. Voters could not check their names on the list. Nani Kevkhishvili, a member of the election commission of Akhalsopeli, stated in her conversation with the Centre that she had come to the office in the morning and found it closed. The reason for this was the untidiness inside the office; but it cannot excuse a breach of the legislation,” said lawyer Lia Khuroshvili.

According to locals, the election district was closed on the orders of the representative of the Kakheti Regional Administration and the Kvareli District Governor, because the polls carried out by activists of the “United National Movement” revealed that the Akhalsopeli residents do not support Mikheil Saakashvili.

Lela Taliuri, head of the Kakheti office of the Georgian Young Lawyers Association (GYLA) focuses her attention on the human rights violations during the pre-election campaign.

“During Saakashvili’s visit to Telavi, on December 10, Telavi public schools were ordered to meet the presidential candidate. Children informed us about it, but we would rather keep their names anonymous. Lessons were cancelled at schools because of the visit. We know that they made special lists of those pupils who attended the meeting. The organizers were eager to take as many people to the meeting as possible.”

As for representatives of the United Opposition and their presidential candidate, they were not allowed into the Telavi State Theatre because of on-going repair works. However, a day before, Mikheil Saakashvili met people at the State Theatre and had not encountered any problems,” said Taliuri.

Representatives of the National Movement state the accusations against them are groundless. Badur Guliashvili, deputy Regional Governor, stated that the opposition tries to increase their rating by making similar groundless and loud statements. “Nobody is harassed. Their complaints are groundless. Nobody has raided the offices of any political parties; neither was anyone kidnapped. There are no violations in election districts,” said Guliashvili.

Levan Bezhashvili, the Chairman of the Legal Committee of the Georgian Parliament, stated that the accusations on not allowing Gachechiladze into the Telavi State Theatre aim to increase tensions during the pre-election campaign. Bezhashvili is the head of the Saakashvili's election staff in the Kakheti Region.

“We investigated all incidents and discovered that our opponents made completely groundless accusations against us. We have the statement of Neli Tskitishvili, the head of the regional branch of the political union “Tavisufleba”, in which she demanded the Telavi Election County to give a space to their union in the Telavi Culture House. The chairman of the election commission satisfied the request; consequently they had a chance to meet voters. But, finally they did not like the Telavi Culture House and decided to hold a meeting in the street. It is not a problem, unlike those groundless accusations which aim to increase tensions during the pre-election campaign,” said Bezhashvili.

Shop Windows of the Opposition Leader were Smashed

On December 8, at approximately 3:00 AM, unidentified individuals smashed the windows of the shop owned by Oleg Samdroshvili, the head of the election staff for presidential candidate Levan Gachechiladze.

Oleg Sandroshvili's neighbours informed the owner about the incident over the telephone. “The barred windows were smashed by large stones. The stones are inside the shop and the walls were damaged from the stones as well. It was not a surprise for me because a day before they broke some of our shop windows as well.”

Residents of the Aspindza Street # 38 confirm Oleg Sandroshvili's statement about the previous incident. Oleg Sandroshvili's shop closed as a result. There were only several empty counters in it, so there was nothing to take. “The reason for breaking into a shop is to take something valuable from there,” said Oleg Sandroshvili.

The head of the election staff connects the incident to political oppression. “It is not committed by hooligans from the area. It is a well-organized attempt to threaten me and my supporters. Before the incident I was warned and threatened. My relatives and friends were also called and threatened...”

According to Sandroshvili, he and the people close to him have been mistreated since November 2, when the protest demonstration started. “I took a large group of people to the demonstration. Certain people did not like it; they could not imagine that so many people from Akhaltsikhe would ever go to the demonstration. They started protesting on the same day. Most of them could not get in touch with me after we returned to the town. I could not get in touch with some of them at all. They told me that they were threatened and could not support me any longer. Of course I cannot tell you their names.”

Sandroshvili thinks that the person who smashed the windows tried to threaten his supporters and wanted to show that they can damage ordinary activists easier than they dared to do with the head of the election staff. “It is a simple act of hooliganism and everybody knows that I will not be scared by someone throwing a stone at my shop.”

Shalva Dalalishvili, deputy governor of the Akhaltsikhe Municipality, considers that the incident is a crime against the government.

“It does not make any difference who is the owner of the shop; in any case it is hooliganism. All similar cases damage the government. Because of such situations, the government loses its supporters during the pre-election campaign. We call on everybody who supports our government to cancel their intentions. The government can win the elections without such illegal activities,” said Dalalishvili.

The Akhaltsikhe district police department launched an investigation into the incident. Police officials refused to comment on the incident.

Government Prevents Levan Gachechiladze from Opening Election Office in Abasha

Members of the election staff of presidential candidate Levan Gachechiladze remained without an office in Abasha. It is already the third occasion they were obliged to leave office after having signed the lease contract and paid the rent. The owners of the offices cannot inform them on the exact reasons for the refusal. Kakha Mikaia, a member of the political council of the political movement “Tavisufleba”, stated that it is a another provocation from the government. According to his statement the brains behind the incidents are Badri Chachava, the Abasha Municipality Governor, and Davit Darsmelidze, head of the Police Department.

“I will not allow the United Opposition and Levan Gachechiladze to open an office here,” stated Badri Chachava according to Kakha Mikaia. “Chachava has kept his promise and members of Levan Gachechiladze’s election staff were forced out of three offices. The district governor openly opposes the United Opposition. I warn Chachava and Darsmelidze, who threw nails on our way to Tbilisi at the beginning of November and did his best to prevent members of the opposition from attending the demonstration on November 2. We will open an office in Abasha and prove to them that the local people will not support Mikheil Saakashvili!

Other members of the United Opposition also complain about problems they have encountered in Abasha during the pre-election campaign. Murad Kvantaliani, the coordinator of the political movement “Tavisufleba”, said: “The government used all measures to prevent us from renting an office. The owners of spaces forced them out for uncertain reasons. They were supported by the municipality administration, police department and the Department of Constitutional Security.”

Zurab Kuprava, the head of Levan Gachechiladze’s election staff, speaks about the pressure on teachers in the Abasha public schools. He said that the population is being seriously threatened. “Teachers from public schools are invited to the meetings of the District Municipality where law enforcement officials give them precise instructions. If teachers do not vote for Mikheil Saakashvili they will lose their jobs based on their personal resignation letters. Representatives of the government and the police department demand all people to write such a letter. In most occasions, governmental officials focus on taxi drivers who we usually hire. Taxi drivers were demanded to provide law enforcement officials with precise information about our itineraries.’

Members of the opposition in Abasha intend to publish a list of dead people whose names are most likely to be used in favour of Mikheil Saakashvili. “Activists of the National Movement have written down the names from grave stones in Norio, Sujuni, Old Abasha, Sakacharao and other villages. Those names will occupy an honourable place on the list of Saakashvili’s supporters. It is not necessary to have real ID numbers of dead people; their names are essential. In addition, those people should have died within the last two or three years. Each activist has to find twenty names,” said Murad Kvantaliani.

Badri Chachava categorically denies the accusations made against him and intends to appeal to the court for slander. However, the former judge accidentally forgot that according to recent amendments introduced to the legislation slander is no longer a crime in Georgia.

Badri Chachava: “I know neither Mikaia nor Kuprava. I will bring suit against them for slander. They are liars and cannot have any complaints about me. How could I prevent a private person from renting an office?! Have I thrown nails on the road?! I have my own business and never involve myself in politics. I only concern myself with economic matters.”

The governor got particularly annoyed at seeing journalists in Abasha. Badri Chachava got furious when journalists were using an audio recorder and a photo camera. He immediately left the administration building in order to avoid being photographed.

Opposition Members Relatives’ Businesses Closed

Since November 7th, tax inspectors have begun to raid businesses owned by relatives of opposition party members in Batumi. These private businesses have now been closed. Although the decree allowing this mentions an “immediate raid for tax inspection”, the inspections began fifteen days after the decree was enacted.

Thirty-six employees of the Bumerangi shop, located at #115 Chavchavadze Street in Batumi, have not been able to work for a month. Officials from the tax inspection agency closed the shop on November 7th in order to raid it, but have not yet begun their search.

Bumerangi is registered to entrepreneur Zebur Dekanadze, but the official owner of the shop is Mikheil Tavartkiladze, brother of the leader of the Adjara branch of the People’s Party, Djumber Tavartkiladze.

The entrepreneur stated that the financial police and tax inspection agency entered their shop based on an anonymous letter. “According to the letter,” Dekanadze says, “unregistered goods were delivered to the supermarket and sold in violation of the tax code. The anonymous letter also stated that the entrepreneur conducts dirty accounting and hides his real income.”

Based on this information, the shop was closed on November 7th and a 15-day term for executing a search of the business was granted on November 8th by the Batumi Civil Court.

“They could not produce any court decision allowing them to close the shop,” said Tavartkiladze, the shop’s owner. “I offered to let them start the raid and if they found any violations they could close it .”

The immediate raid by tax inspectors ended with the drawing up of a programme of issues that should be investigated and the seizing of the shop’s accounting materials. On November 22nd, the deadline for the execution of the raid lapsed without the actual inspection being carried out at all. The Batumi Civil Court has received a new application and granted an extension. “The large amount of possible illegal activities renders the raid unable to be carried out within the given time,” the court decision stated. Judge Khatuna Bolkvadze granted the tax inspection agency an additional fifteen days. That decision was appealed in the Kutaisi Court of Appeals.

“My client and I have unsuccessfully appealed to the Batumi tax inspection agency to start their inspection,” said lawyer Malkhaz Abuladze. “The long-term closure of the shop caused material damaged for the owner as all perishable products have spoiled. We demanded the right to register and resume all activities, but they refused our request.”

On November 23rd, another unit owned by Alkazar Baghaturia, the father of Jondi Baghaturia, was closed in Batumi. “I own 50% of the JSC Rubber-Technical Factory in Batumi,” said Alkazar Baghaturia. “On November 23rd, I was invited to the Department regarding the closure of our business. Before the trial started, officials from the financial police visited the factory. They did not wait for the court’s decision and sealed the doors. On November 26th, they began their inspection but did not state the exact reason for this unplanned investigation.” The owner of the enterprise stated that the only reason for the raid is that he is the father of Jondi Baghaturia. “They did not tell me about it, but leasers of some space in our factory were warned to leave and were told that the income of the factory was transferred to the budget of the opposition.”

The Kandeli computer training centre, founded by Murman Dumbadze, the deputy of the Adjara Supreme Council of the Republican Party, has also been closed. Dumbadze stated that officials from the tax inspection agency were artificially prolonging the duration of the inspection. “I asked them to start the raid on time because delays could damage our business. The inspector who was ordered to raid the enterprise said he felt bad himself. Their goal is to prolong the investigation and cause damage for us.”

Eldar Varshalomidze, the deputy head of the Batumi tax inspection agency, refused to comment on the situation. “I am not making any comments. It is not a suitable topic for comments and as soon as the investigations finish, the units in question will open,” he said, just before cutting the line.

MP from the Opposition Was Physically Assaulted

Merab Khurtsidze, a member of the parliamentary party “Our Georgia”, was attacked and beaten by five unknown individuals. The MP said in his conversation with Medianews that the young men of about 30-35 years old were waiting for him in front of his house when he got home. He also added that he could not recognize any of the attackers. The attackers were not armed.

The injured MP was taken to the Otar Ghudushauri Hospital where doctors concluded that he had high blood pressure, felt sick and had some bruises on his face and head. At this stage he needed hospitalization, however his overall health condition was satisfactory.

Leader of the party “Our Georgia”, Valeri Gelbakhiani, stated that the incident was some sort of political revenge. He stated that Khurtsidze had been threatened several times before.

“It was a message from the government which started its presidential campaign with terror and will also end it with terror. We have been threatened personally by unidentified individuals; they threatened us with raiding our houses, kidnapping and physical assault. As far as we know, yesterday an initiative group introduced Badri Patarkatsishvili as a presidential candidate and the first reaction to it was the beating of Khurtsidze. He had assumed a position in parliament as a member of the ruling party; but he left the National Movement after he joined our party. The leading party was oppressing him for him leaving the party. We do not really care about the reasons for attacking the MP, we believe that it was political revenge,” said Gelbakhiani.

The leader of the party said that last night they appealed to Nino Burdjanadze, the then Interim President of Georgia, and Vano Merabishvili, the Minister of the Internal Affairs, about the incident. “Khurtsidze and I are often times being threatened over the telephone. As almost all phones are wiretapped throughout Georgia, it should not be difficult to find those responsible. But when the government uses excessive violence, I am completely sure that the incident will not be reacted to at all,” said Gelbakhiani.

The leader of the party intends to petition the Head of the European Commission Delegation to Georgia. “The first issue in my petition will be the beating of Khurtsidze. Other problematic issues will be the future elections and current violations of the law. Yesterday, we received the registration forms for presidential candidates at the Central Election Commission which must be printed at printing shops. However, we found out that almost all printing shops are ordered not to print the forms delivered by the representatives of Badri Patarkatsishvili. Although one of them initially accepted our offer, two hours later they called us and refused. The reason for this was that they had been threatened. We tried other printing offices as well, but received similar replies from all of them. Thus, we had to make copies of the forms,” said Gelbakhiani.

Konstantine Gabashvili, chairman of the Parliamentary Committee for Foreign Affairs, member of the parliamentary majority, condemned the incident in his conversation with Medianews. However, he does not agree with the statement that Khurtsidze was assaulted for political reasons. Gabashvili said that it is not excluded that it was an ordinary argument between men. He also said that the incident was caused by activists of Khurtsidze’s own party and the aim of it was to increase tensions.

1.2. Illegal Use of Administrative Resources

Political Revenge

Representatives of the bureau of MP Nikoloz Kvezereli, were exiled from their office in the administration building of the local government; the room was assigned to them according to the law. The reason for the exile was his support for the parliamentary group “Our Georgia” with the leaders of presidential candidate Badri Patarkatsishvili. The MP from Gurjaani is a member of the group. The head of the MP’s bureau said that the local government was particularly annoyed by the fact that civil society actively cooperates with them.

“The incident happened at about 2:00 PM on November 29th. The Gurjaani Deputy Governor, Valeri Vardosanidze, other officials and employees of the Administrative Board broke into our office and forced us out. Before, they had warned us several times to leave the room. Although the reason stated was repair works, in fact our room does not need any repairs,” said the representatives of the MP’s bureau.

Everything started when MP Nikoloz Kvezereli left the parliamentary group “Majorities” and joined “Our Georgia”, the newly established group of MP Valeri Gelbakhiani. After the election date was officially announced, representatives of “Our Georgia” officially stated that they supported presidential candidate Badri Patarkatsishvili.

“After that statement, the Administrative Board started demanding us to leave the office more actively. Before, they did not like the fact that we actively cooperated with media sources, NGOs and representatives of political parties. The governor and former chairman of the Municipality used to accuse us of having an opposition headquarters in our office and were working against the local authorities. They did not like those people who visited us often, because they criticized them. For some time they demanded us not to let them in and to refuse to meet those people. However, we did not accept their suggestion and explained to them that their demand was unfair and unacceptable to us. Local officials were particularly irritated by the fact when “Transparency International Georgia” held a meeting with independent journalists and local NGOs. The guests discussed excessive expenditure of administrative resources before the elections. High ranking officials got annoyed by such statements and accused us of arranging a coup against them in their own building. Afterwards, when I was in Tbilisi, they broke into our office where only our female staff remained and forced them out,” said the head of the bureau, Akaki Begashvili.

Reportedly, Murtaz Shaluashvili, the head of the Mikheil Saakashvili's election bureau, has seized the key to the office from the employees of the bureau. Shaluashvili refused to comment on the situation. It is noteworthy that local NGOs claim that Shaluashvili, who is also a bailiff of the Georgian parliament, has on more than one occasion been a suspect of committing crimes before and during the pre-election campaign. He has given orders to damage the houses of members of the opposition; Shaluashvili used his physical power to force out journalists from the municipality meeting; etc.

Ramaz Kerechashvili, the Gurjaani Municipality Governor, stated that the MP's bureau was closed because of repair works. "I do not care what their staff claims. There are repair works going on where their office is situated; thus they had to leave it. They were not persecuted on political grounds," said the governor.

It must be pointed out that there was slight reconstruction going on in the administrative building. However, they have not demanded anybody else to leave the building.

Reservists are Forced to Meet Presidential Candidate

After Mikheil Saakashvili met participants of the Patriot program funded by the president, reservists are now required to meet with Saakashvili. Reservists have received a special summons from their local municipality military units last week. The letter stated that unless the soldiers attended the meeting in the Gurjaani sporting grounds on December 11th, they face a fine of 500 lari and an official charge of resistance.

According to reports, Mikheil Saakashvili, the presidential candidate of the United National Movement, intended to visit the Gurjaani district on December 11th. He would meet with locals at the sporting grounds. Reservists from the region were already invited to attend the meeting. In a conversation with the Human Rights Centre, one reservist recalled that he was verbally warned to appear at the sporting grounds on time. "Representatives of the district military unit delivered a letter of invitation to me personally," said a twenty-five-year-old man, who wished to remain anonymous. "I read it and asked the messenger why they were inviting us. He answered that Saakashvili was arriving in Gurjaani on Tuesday and that we had to meet him. Before that, we were to go to Telavi to receive new military uniforms."

Another reservist said that he was busy at the time Saakashvili intended to meet with them, but was still obliged to be at the Gurjaani sporting grounds. "Unless I go," the man said, "they will fine me 500 lari or put me in prison for resistance and breach of military discipline. I cannot remember the exact context of the contract, but I remember exactly that last year when I finished my courses at the reservist unit I signed a contract. It seems I took on a responsibility to obey all orders by signing that document."

The Human Rights Centre contacted the Military Department of the Municipality and got in touch with the head of the department to verify reports of the letters being sent to reservists. Zurab Ananiashvili confirms that reservists received the notes, but he does not know the exact reason for it. "Our department recruits the soldiers," Ananiashvili said, "We have no connection with this specific act. Our representatives who supervise the villages simply assisted the unit," said Ananiashvili.

Temur Shakarashvili, the head of the Telavi Reservist Unit within the Defence Ministry, directed journalist inquiries to Irakli Vanishvili, his deputy. "On December 11th, we have invited the reservists. We intend to take them to Telavi where we will give them new uniforms and this event is not connected with Mikheil Saakashvili's visit. I did not know that he was arriving in

Kakheti,” said Vanishvili. The Human Rights Centre asked why new uniforms were being given out on the day a presidential candidate was arriving in Kakheti if this event was not connected to Saakashvili’s visit. Vanishvili explained it was simply a coincidence.

A short time before Saakashvili resigned from the Presidency, he visited Kvareli, a town in the Kakheti region. The Governors, the Chairmen of the District Municipalities and leaders of local offices of the National Movement led dozens of buses with Patriot Camp participants from various districts in the Kakheti region to the meeting, which was attended by many people. Saakashvili was proud and stated that the whole of Kakheti supported his policies. He believed that the whole region was attending the meeting.

Patarkatsishvili’s Hard Life

Who is attacking the business activities of Badri Patarkatsishvili and why?

The spokesperson of businessman Patarkatsishvili stated that ever since television company “Imedi” and “Mtatsminda Park” have stopped functioning, the “Standard Bank” was next on the list. On November 24, the Georgian National Bank (GNB) appointed an interim administration for the “Standard Bank”. The owner of the bank is the US Investment Group and it is managed by “Salford Georgia”. “Salford”, an official owner of the “Standard Bank”, protests the appointment of an interim administration for the bank on the initiative of the GNB and states that the latter acted illegally.

Standard Bank

Businessman Badri Patarkatsishvili had indirect interests in the bank. “Salford Georgia”, which implements the management of the investment portfolio of Badri Patarkatsishvili with a value of 100 million USD, stated that the seizing of the shares of “Salford” in the “Standard Bank” is part of a campaign against Patarkatsishvili’s interests in Georgia carried out by the authorities.

Irakli Rukhadze, director of “Salford”, claims that since November 7th clients of the “Standard Bank” were persuaded to cancel their accounts at the bank. Rukhadze said that such an act was aimed at the artificial collapse of the bank’s degree of liquidity which would result in the appointment of an interim administration and the company would lose control over the bank.

Representatives of the company stated that in response to the persuasion, many clients - both state organizations and people - cancelled their accounts at the bank. “Because of its financial strength, the bank managed to satisfy the demands of the customers according to Georgian legislation. We feel that the GNB violated both Georgian and international law,” said Rukhadze. He also added that the companies under the umbrella of “Salford”, people connected with the company, and its personnel have been pressured by various governmental bodies in the last two weeks. “On November 21st, after a twenty-hour interrogation, I was found guilty groundlessly and they charged me for forced trading under paragraph III of the recently amended article 339.1, of the Georgian Criminal Code. Several people were interrogated and they conducted a search based on that charge. In addition, representatives of the Financial Police and the Ministry of Internal Affairs raided “Georgian Glasses and Mineral Waters”, “Telenet” and “Standard Bank”. These companies only have one thing in common - all of them are managed by “Salford,” said Rukhadze. Thus, the representatives of “Salford” think that the situation has a political character and they think that the current events cause serious concern in the financial sector for foreign investments in Georgia. Representatives of “Salford” presented a group of lawyers from the leading international law firm “Debevoise & Plimpton LLP” who will protect the business activities of “Salford”.

Giorgi Kadagidze, the head of the interim administration, stated at the briefing yesterday that their introduction to the bank was caused by the problems concerning the liquidity of the “Standard Bank”. This problem resulted from the increased withdrawal of funds from the bank. During the last two weeks, over forty million lari has been withdrawn from the “Standard Bank”, which threatened the interests of both the bank creditors and the customers. The principal function of the National Bank is to protect their interests. That is the reason for the introduction of an interim administration for the bank. The interim administration will stay on for two months. Kadagidze explained that they do not intend to liquidate the Standard Bank. The aim of the National Bank is to promote the financial stability and protection of creditors and customers’ interests. Kadagidze stated that the interim administration was assigned to the “Standard Bank” according to all relevant laws. In doing so, the National Bank ensured the protection of the deposits of all customers of the bank and it monitors the activities which will ensure the normal functioning of the bank. Kadagidze also declared that the statement of Rukhadze was absurd where it stated that the National Bank was putting pressure on the employees of the Standard Bank. Kadagidze said that such irresponsible statements serve the collapse of the financial stability of the “Standard Bank”.

Mtatsminda Park

Linx Ltd, the company operating Mtatsminda Park which belongs to Badri Patarkatsishvili, protests the decision of Tbilisi City Hall regarding the cancellation of the 49 year contract with the company. Tbilisi authorities closed the park after armed and masked people rushed into the park at 11:00 AM on November 7.

According to representatives of Linx Ltd, despite many questions, the masked men did not produce any documents or give any verbal explanations for their actions.

Later, the Tbilisi vice-mayor, Giorgi Akhvlediani, stated that the contract on the restoration of the park was cancelled. He added that “Linx Ltd” has not paid the lease since 2005 and has not fulfilled other conditions of the contract, despite many demands.”

In addition, Akhvlediani pointed out that the “minimal sums” which were spent until now would be reimbursed.

Most of the construction works and carousels have already been finished; however some is still under construction. The park opened in September and people could enjoy it free of charge. “We do not want the park to become another “Ar Ashenda” (a well-known unfinished building in Tbilisi) because of the inactivity of “little men” (the surname of Patarkatsishvili means little man in Georgian),” said Zaza Begashvili, chairman of the Tbilisi Municipality. “All projects initiated by Patarkatsishvili in Georgia have failed.”

According to “Linx Ltd”, none of the parties, the Tbilisi authorities being among them, that transferred the park to Linx for 49 years, provided any legal documents serving as a justification for their actions. “The only information the company has received are television statements by two high ranking officials, Mamuka Akhvlediani and Zaza Begashvili. They claimed that the Linx had been late in paying the lease,” representatives of the company said.

The company denies these accusations; it considers them groundless. “The letter signed by Akhvlediani on November 17th 2007 demonstrates that according to the government’s decision Linx had to pay the lease until November 17th 2007,” said people from “Linx”.

The Human Rights Centre read the above-mentioned letter on the following website indicated by “Linx”: <http://www.flickr.com/photos/19808610@N08/1982238468/>. The letter stated that Tbilisi City Hall assigns a one-month period to “Linx” “for them to pay the outstanding amount of the lease”.

The company categorically denies the statements made by Akhvlediani and Begashvili, who said that “small investments were made in the park, but much is still to be done.” “Although the lease contract between the company and the government envisaged an investment of five million USD, the company has in fact invested almost 25 million USD and intends to make more investments in the near future. The absurdity of their statements is demonstrated by the fact that the park was unofficially opened in September of 2007 and had been operative for nine weeks before the police officers raided it. Nearly 80 000 guests visited the park in September and October. Public officials also visited the park several times and they were fully aware of the progress made in the park,” said representatives of “Linx”.

The company holds on to its strict position and has complied with the demands of government officials. The company claims that “Linx” intends to continue protecting its rights according to the contract they have signed with the state.

As for “Telenet” and the “Georgian Glass and Mineral Waters Company”, the financial police unexpectedly raided them on November 20th. After a two-day investigation, the financial police returned the documents to the company and left the office without any explanations.

The Human Rights Centre tried to get in touch with representatives of the financial police, but none of them replied to the questions raised by the Centre.

1.3. Voters’ List Fraud

While Checking the Voters’ Lists, the Republicans Ran Into a Registered Voter, Who had Died a Year Earlier.

The opposition discovers new pre-election problems every day. For example, the Republicans have information that teachers in Kaspi are forced to visit every family and ask everyone who they are voting for. According to political party New Rights, the government will use 3 000 votes of Jehovah’s witnesses in Gori. It needs to be mentioned that Ajadar Ogli Iasimi, an inhabitant of the village of Perma in the Kaspi district, is registered in three different polling stations under three different names: Ajadar Ogli Iasi, Ajadar Ogli Iasim and Ajadar Ogli Iasimi. Khatuna Thathanashvili: (Republican Party in Kaspi) “We have given detailed information to the OSCE monitoring mission on what is going on in the Kaspi district. We possess a universal voters’ list sent by the CEC. We also requested the voters’ lists according to polling stations but were rejected those. The reason was simple: they do not have them. We have the voters’ lists of the Kaspi district which the Kaspi District Election Commission sent to the CEC. Special groups made this list. We have started to check the voters’ list and have found many violations of election procedure. For example, there is a man called Vasil Gamdlishvili, born on December 22 1959, whose address, according to the voters’ list is Kostava Street #2 in Kaspi. A person with that name does not exist at all. Besides, it is the address of our office and we do not know that man. We have known of instances where the same person was registered under two names. For example, Maia Kazarashvili, an inhabitant of Aghmashenebeli Street # 80, is registered on the list and Kazashvili Maia, living on Aghmashenebeli Street #80, is on the list as well. There are two Shotas on the list, one is Obgaidze and the other is Obgadze. Both live on Kostava Street and both have the same house number. Bacilashvili Gulnara, born on February 14 1974, is registered in Kvemochala and Vacilashvili Gulnari, born on the same day, is registered in the

village of Lower Gomi. There is Cherupova Zeinab, registered in Kaspi, and Cherupovi Zeinabi, registered in the village of Perma. They are both born in 1978.

We also have Kasradze Zaza and Kasradze Genadi, who both suffer from mental problems and therefore are not allowed to vote. A court has granted a pension for mentally disabled people to both of them.

The surnames I mentioned are registered three and four times in various villages and districts. For example, the name of one person is registered in three different ways: Ajadar Ogli Iasimi, Ajada Ogli Iasim, Ajadar Ogli Iasi. Some people's names are registered without their passport data. Some are registered with their surnames only, for example, Poladashvili L., Papunashvili L., etc.

There are many so-called "dead people" on the voters' list. We ran into Baindurashvili Guram, who had died a year earlier, while reviewing the voters' list. This incident happened in Kaspi on Vazha-Pshavela Street.

Tatanashvili Omari has been dead for two years now. Janjalashvili Mariami is dead as well. The addresses of people who live abroad for 10-20 years are indicated in this way: is abroad. However, according to law, the people who are legal emigrants specify their address so they can vote in the consulate of Georgia in the country they reside. If a person is an illegal emigrant then you indicate that he/she is abroad. Here we see that all emigrants were registered identically. Such an infringement has been observed in polling station # 32. Some prisoners are on the lists as well. Also, some constituencies could not be found, for example, Khalipovi Poladi and Khalipovi Olgami.

The new method of the National Movement annoys me. Teachers are forced to visit every family in the villages Duisi and Akhalkalaki and record who they are voting for."

Mamuka Faniashvili: (New Rights in Gori) "We have voters' lists from every polling station. There are people who were born in 1924 on the list. 5-6 People out of every 40 are dead. We are going to dedicate a press conference to this issue. IDPs will have their own particular polling station. They can vote there together. The IDPs were warned that if they vote for the opposition they will be kicked out of their houses, which have been assigned to them as their legal property by the government. The common polling station for IDPs will be established in the Regional Office of the Ministry of Refugees and Accommodation of Georgia.

Soldiers have the same problem. They have been warned that if the opposition gets even one vote from them, they will be punished. The soldiers will vote together at the common military polling station in the morning and then they will go to their own polling stations without their uniforms and vote there as well.

Some people who have passports without addresses, will vote in a common polling station, on Guramishvili Street, in the building of an old nursing home. The government plans to falsify the votes of Jehovah's witnesses. Approximately 3 000 Jehovah's witnesses are registered in Gori and the government intends to vote instead of them. The Jehovah's witnesses will not go to the elections because their faith forbids them to. Generally, the voters' lists are not arranged properly. Six million lari was apportioned for the organization of voters' lists. Nevertheless, the lists of 2003 are still in force. These are the voters' lists that stipulated the "Rose Revolution".

Representatives of the police and intelligence forces put pressure on members of the election commissions. Some are threatened with dismissal and some with imprisonment. The head of

school # 5 met the teachers and warned them against supporting the opposition”, states Faniashvili.

People born in 1900

In order to check the correctness of the voters’ list, the Human Rights Centre checked the information about the people born in 1900, who are registered on the voters’ lists. There are hundreds of people born in 1900, whose data is still on the lists. The data of dozens of these people have been checked by the Centre. The results showed that they either do not exist at all or are not alive anymore. It proves once more that there are important errors in the voters’ lists.

2. Violations Observed on Election Day

The Human Rights Centre deployed mobile groups of observers, who observed elections on January 5th. The overall number of observers was 35. They were coordinated by two coordinators from the HRIDC, who were based in the Coordination Office of the Coalition for Democracy. The following types of violations of the election procedures were observed on January 5th by the observers of the NGO coalition:

1. Problems with admitting observers to the polling stations. Precinct Election Commission (PEC) members refused to admit observers from the NGO Coalition for Democracy to the polling stations;
2. Several instances of hampering the work of exit poll interviewers from the NGO “Former Political Prisoners for Human Rights” were observed. Interviewers were asked to leave the area in the proximity of the polling stations which made it impossible for them to interview voters.
3. There were uniformed police officers present at polling stations. PECs explained that police officers were needed to secure CCTV cameras in the polling stations.
4. There were cases of police involvement in the electoral process: i.e. marking and registration of the voters. There were also instances of government officials being present at polling stations in the capacity of NGO observers. Reportedly these individuals were instructed by the National Movement.
5. Not following the marking procedure enabled certain individuals to vote more than once; voters were on certain occasions not marked or not checked for marking.
6. There were many cases reported where the marking equipment was not functioning properly or not used at all, which made it impossible to check whether somebody had voted before.
7. There were instances of voters being denied registration to the additional list, despite the fact that all the documentation needed for registration was presented.
8. “Merry-go-Round” voting - There were many cases of the same individuals voting in several polling stations. Coalition observers detected and documented groups of individuals that were travelling from one polling station to another with mini buses (usually two or more buses). Bus drivers, who were reportedly paid 100 GEL and given 40 litres of gasoline, avoided giving clarification on the questions asked by the coalition observers or gave contradicting explanations about the reasons for their presence and for transporting voters from one polling station to another.
9. PEC members, National Movement representatives or unidentified individuals were pressurizing and/or instructing voters to cast a vote for a presidential candidate No5.
10. The number of voters on the voters’ lists was artificially increased on the Election Day or the day before.

11. Representatives of political parties, who had the right to observe the elections, were forced to leave the polling stations by representatives of the Department on Constitutional Safety of the Ministry of Internal Affairs.
12. On certain occasions the number of ballots counted exceeded the number of votes cast according to the voters' list, implying a manipulation of counting results;
13. Observers reported many occasions of stuffing multiple ballots in the ballot box by voters, who immediately left the polling stations. The voting process was usually temporarily suspended, however resumed shortly after upon orders of the CEC.
14. Observers reported the presence of unauthorized individuals, who were disrupting or influencing the counting process. On certain occasions these also included violent outbursts during counting.
15. Representatives of political parties and authorized observers were denied copies of Summary Protocols.

These violations of the election procedure observed on Election Day can be grouped in the following categories: Pressure and agitation at polling stations, manipulation of the voters' list, procedural breaches, "Merry-go-round" voting and violation of the counting procedure.

2.1. Pressure and agitation at polling stations

In Kakheti, police officers physically assaulted observers from NGOs and political parties from the opposition. The incident occurred in the evening of January 8 in Gurjaani. Observers from the Human Rights Centre and Fair Elections demanded the Precinct Election Commission (PEC) to declare the results of several Polling Stations (PS) invalid. In reply to their demand the police officers from the Gurjaani Department of the Internal Ministry beat them.

The following statements could be heard at polling stations in the Kakheti region:

"Either number 5 or prison! Do not dare to deceive us!" Such words could be heard from police officers and representatives of the Prosecutor's Office dressed in civil form. "If you want to receive fuel to cultivate your plots; if you want financial allowances from social programs; if you want to maintain your job, you must circle number 5," threatened representatives of the local governments and Saakashvili supporters. To avoid suspicion of their choices, intimidated voters filled out their ballots in the open, in front of their harassers, instead of going into the polling booths. Those who chose not to fill their ballots publicly were actively "supported" by representatives and observers of the Racio Legi NGO, who in fact were activists from the National Movement. Activists from the leading party were also working against other presidential candidates in a more direct, negative way. Murtaz Shaluashvili of the National Movement was an observer from the NGO "Racio Legi" in Kardenakhi Polling Station # 33. He was shouting "Urias" (an insulting name for Jewish people in Georgia) at people who supported Badri Patarkatsishvili. Levan Gachechiladze's supporters were called traitors.

Lamara Azirashvili, a representative of presidential candidate Levan Gachechiladze at polling station # 12 in Adigeni, spoke about the physical assault of a representative of presidential candidate Davit Gamkrelidze. The chairwoman of the DEC, Iza Balakhashvili, stated everything had been going according to the procedure prescribed by the law.

The chairman of the Precinct Election Commission (PEC) of Kardenakhi polling station #32 in the Gurjaani precinct, Shengeli Guliashvili, and other members of the PEC, which represented the National Movement, influenced observers representing presidential candidates Levan Gachechiladze and Badri Patarkatsishvili. These observers were not allowed to file official complaints into the Record Book. At the entrance of the polling station, employees of the Gurjaani Municipality Administrative Board and the District Council as well as police officers

were making statements in favor of presidential candidate Mikheil Saakashvili. Voters, who did not obey, were threatened and their names were recorded. In addition, Gela Mtvlishvili, an observer for the Human Rights Centre, reported he was verbally assaulted by PEC members and was asked to leave the polling station. Mtvlishvili filed official complaints into the Record Book though they remind unconsidered until the polling process finished.

In Iormugalno in the Sagarejo voting district, the chairperson of the PEC, Nari Arakh Berdiani, and her deputy, Rizvan Abasov, were following voters into the voting booth and requesting them to circle presidential candidate number 5, Mikheil Saakashvili of the National Movement. The PEC members were not handing envelopes to voters until the voters showed them their ballot papers with number 5 circled.

It was also reported that Alik Ramazanov, a voter present at polling station #15 of Chantliskuri in the Kvareli district, was directly instructing voters to circle presidential candidate number 5. This district is mainly populated by ethnic Avars, who do not speak Georgian. Voting regulations were not posted in a visible place, which made it possible for Ramazanov to join some voters, those who did not speak Georgian and elderly people, in the polling booth and to instruct them to vote for candidate number five. Thirty-one of such violations have been observed at the polling station. It later became clear that Ramazanov is a member of the National Movement. The chairperson of the PEC, Magamed Gaji Magamedov, did not react on any of the abovementioned violations of election procedures. Gela Mtvlishvili filed an official complaint on these matters with the PEC, which was also signed by other observers.

Violations were also observed at Karajala polling station #38 in Telavi. This village is completely populated by Azeri people. Voters were not marked. Otar Svimonishvili, a supporter of Mikheil Saakashvili, was following voters into the polling booth and was circling candidate number five for them. Having commented on the violations, the observers ran into problems with the chairperson of the PEC who tried to expel them from the building. He called Mikheil Saakashvili's Election Headquarters in Telavi and asked them whether he had to register the complaints of the observers into the Record Book. Finally, the observers succeeded and the complaints were registered. At three polling stations in Karajala voters were not marked, which made it possible for them to vote at various polling stations; moreover they did not have to sign the voter's list.

Similar violations were detected in almost every polling station in the Kakheti region, which is mostly populated by ethnic minorities.

In polling station #15 in the village Jugaani in Signagi precinct #13, representatives of the Department for Constitutional Security and police officials made an observer from New Rights leave the polling station. This has been confirmed by the secretary of the polling station. He was made to tear off all the complaints filed about every violation observed during the whole day.

In polling station #6 in the Avlebari voting district of Tbilisi, there were unidentified individuals present. Those unidentified individuals were trying to influence members of the PEC, as well independent observers and voters.

Unauthorized members of the National Movement were present at polling station #39 of the Samgori district in Tbilisi. In fact, the abovementioned individuals were having office in the adjacent room of the actual voting location. The members of the PEC representing the National Movement had intensive and permanent consultations with these individuals. When Londaridze and an observer of the Georgian Young Lawyer's Association (GYLA) protested the presence of the individuals the chairperson of the PEC requested them to leave, which resulted in a chaotic

environment in the polling station. This chaotic situation hindered voters to exercise their right to vote.

In the proximity of polling station #26 of the Gldani district there were two mini-buses present. The people from the mini-buses reportedly tried to persuade voters to vote for presidential candidate number 5, Mikheil Saakashvili of the National Movement.

At approximately 3:00 PM there was terrible chaos at Varkhani polling station # 7 where 1 547 voters were registered. Nearly forty people were unsuccessfully trying to vote and were looking for the polling box located somewhere in the corner of the hall.

At Varkhani polling station # 7, Marekhi Datiashvili, a supporter of Mikheil Saakashvili and chairperson of the Adigeni Municipality Educational Resource Centre, was trying to control the situation in the polling station and was giving directions to people. She tried to prohibit journalists from taking photos. Other representatives of the presidential candidate from the ruling party were in the polling station as well, namely Marekhi Datiashvili's, Davit Oganezian; Petre Merabishvili, the chairperson of the National Movement fraction.

Teona Machitadze, a representative of Badri Patarkatsishvili, stated voters entered the polling station after having negotiated who to vote for and they already knew what number they would have to circle in the booth.

An observer of Levan Gachechiladze's team spoke about violations in the village of Klde: "The chairman and members of the election commission pressured observers. They made remarks: Do not stand here! Do not do that! Stop there!... I noticed that they had put ballot papers under the polling box. I immediately demanded them to raise the box. Suddenly they discussed the issue and a little girl said it was her fault. Thus they did not let me file a complaint. The whole commission was ready to beat me. I could not resist them and changed my mind about filing a complaint."

People in Tbilisi have stated that National Movement's supporters offered them money if they put an already filled-out ballot paper into the polling box and brought out an empty ballot paper instead.

Uniformed and non-uniformed police officers were mobilized in the precincts and outside the polling stations in Samegrelo; activists of the National Movement were wearing red scarves and hats. They made propagandist statements about Mikheil Saakashvili.

2.2. Manipulation of the voters' list

In the Lagodekhi district, the voters' lists have been significantly amended. On 4 January 2008, 35,142 voters were registered and included in the voters' list, but on 5 January, this number was increased to 37,018. For example 234 more voters were added to the list at Lagodekhi polling station #2; 209 names were added to the list in the polling station #3; and 93 more voters were included in the voters' list in polling station #19.

The voters' lists at polling stations #22 and 52 of the Bolnisi District have been purposely manipulated to include more voters. The amount of real voters did not exceed 600.

2.3. Procedural breaches

“The final report of Kardenakhi polling station # 33 stated that 934 persons took part in the elections. The total amount of invalid ballots from both the movable and main polling boxes was 808. We are unable to locate the additional 126 ballot papers. The Chalaubani DEC declared 30% of votes cast to be invalid; that is 11 ballot papers; I am doubtful of that fact too. I believe the data was falsified at the Velistsikhe and Vachnadzeani polling stations. As a member of the PEC I have a right to express my opinion at the meeting and demand to check the data. I can agree or disagree with the opinions of other commission members. Despite my rights, you can witness what is going on,” said Zurab Danelishvili, a critical member of the DEC for that district. The chairperson of the DEC did not allow commission members and observers to make comments during the meeting of the Commission. After Zurab Danelishvili claimed his right to express his opinion, Begashvili called the police,” said Nana Devidze, the Kakheti regional coordinator of Fair Elections. The Chairperson of the Commission, Nato Begashvili, ordered them to lead Davit Nikolashvili, a representative of Badri Patarkatsishvili, and other observers out of the room. Everybody protested her order and the police officers, with Shota Bezhanishvili as a head of the team, started to harass people. Law enforcement officials were beating observers and public officials called them traitors.

Unauthorized individuals were present at polling stations in the villages of Vazisubani, Chandari, Dzirkoki, Vejini, Vachnadzeani, Shashiani, Kachreti, Kardenakhi and Bakurtsikhe in Gurjaani district # 12. In addition, police officers were present at the polling stations and carrying guns, even though it is prohibited by the Election Code. It is noteworthy that National Movement members and representatives of Saakashvili’s Election Headquarters were at the polling stations in the aegis of the non-governmental organization (NGO) “Racio Legi”. This violation has been observed in the Bakurtsikhe election district, where Nika Nizharadze, the chairperson of the Culture Department within the Gurjaani Municipality Administration, represented the abovementioned NGO. In addition, Murtaz Shaluashvili, one of the chairpersons of Saakashvili’s Election Headquarters in Gurjaani represented the same NGO in a polling station in Kardenakhi. At least three individuals represented the NGO ‘Racio Legi’ at polling stations. These individuals interfered with the functions of the PEC members and were conducting activities of the commission; they were giving orders to PEC members. Observers filed official complaints into the Record Book.

The Human Rights Centre received information that a large number of envelopes were pushed into the ballot box in the polling station of the village of Zerti in the Gori district. Upon arrival, the Human Rights Centre found a very calm situation. 1,783 people were on the voter’s list and by seven in the evening 1,750 of them had already voted. Nobody had filed an official complaint on the fact. When the Human Rights Centre arrived at the site, the observer from the New Rights party filed a complaint stating that at 5:00 PM only 800 ballot papers had been issued to voters, making it highly unlikely that the number had increased to 1700 by 7:00PM. The complaint was not registered by the Commission chairperson. The Chair did, however, note that they did not agree with the complaint.

At polling station #14 in the Poti PEC, only observers from the National Movement were monitoring the activities of commission members. Other observers were not allowed to exercise their rights.

Voters were not being marked in the 3 polling stations of the Gardabani District. The same breach of election procedure was observed at polling station #13 of the Poti precinct.

MP Tlashadze claimed that in the village of Keleti in the Kareli District, the polling station was not located in the Public School as it should have been and opposition observers were unable to find the polling site at all. Later on they learned that the polling station had been opened in the house of the Deputy Chairperson of the DEC and the polling had been conducted without any means of marking voters. MP Tlashadze stated that she was in possession of both photo and video proof of the violations and that they had been sent to international observers.

At polling stations in the village of Kabli in the Lagodekhi district, which is inhabited by Azeri people, the chairperson, the deputy chairperson and the secretary of the polling station were accompanying voters into the polling booths and were circling presidential candidate number five for the voters. Most voters were not marked and people were allowed to vote several times. They did not even show their identification cards.

Ivane Feikrishvili, a voter who is a member of the Telavi Municipality Administrative Board, visited polling station #1 in Telavi district #17 at 13:00 hours. Having left the polling booth, Feikrishvili pushed a pile of ballot papers into the polling box and rushed out of the polling station. The incident was observed by local and Latvian observers. Upon the requests of Georgian observers, the election process was ceased; the Record Book was sealed, but after the CEC directed the PEC to reopen the polling station for voting. According to Eka Tkeshelashvili, Ivane Feikrishvili has been detained. The minister stated that it is still unclear who Feikrishvili was supporting in the elections, but it does not make any difference. A criminal case was launched against the person.

A similar situation occurred in Gulgula polling station #16 in Telavi. Representatives of opposition parties present at the polling station observed that at around 15:30 hours, several unidentified individuals pushed ballot papers into the polling box. The voting process was stopped temporarily, but voting resumed shortly after on an order of the CEC. There were many unauthorized people present in the polling station, among them there were police officers dressed in civil clothing carrying guns. Official complaints on these violations have been filed.

At Kardenakhi polling station #33 of Gurjaani Precinct #12, there were 739 signatures on the voters' lists. However after the votes were counted there were 934 ballot paper, i.e. 195 more votes had been cast than voters present throughout the day. In addition, after the polling station was closed and votes were counted, members of the PEC were leaving and coming back to the station after consulting with members of the Nationalist Movement.

In the Kareli district observers for not allowed to enter the village Dvani under the guise of this region being a conflict region and the tense situation there. In addition, observers from the Labor Party were unable to file official complaints in the entire Kareli district. Other problems which arose in this district were that at three polling stations voters were not marked which made it possible for people to vote at several polling stations. In addition, the chairperson of the DEC did not know his commission members and observers at the polling stations. Also, ballot boxes were not taken from the polling stations according to official procedure. It is noteworthy that the head of the Shida Kartli election headquarters of the National Movement, Lado Vardzelashvili, comes from the village of Ruisi.

In the afternoon of January 5 there was a terrible chaos at Varkhani polling station # 7 where 1 547 voters were registered. Nearly forty people were unsuccessfully trying to vote and were looking for the polling box located somewhere in the corner of the hall.

In the Vake district of Tbilisi in polling stations #44, #38 and #63, people were not always marked or checked for marking.

At Polling Station # 3 and #4 in the Akhaltsikhe district, a voter pushing several ballot papers into the polling box. Observers tried to file official complaints, but these were not registered with the DEC.

New Rights claims that their observers were not allowed in several polling stations in the Gori district based on a late arrival to the polling site. “Chairpersons of the Commission do not know the law, which places no time restrictions on observers,” Mamuka Faniashvili, a New Rights representative, says. “For example, when our representative arrived at the polling station at 12:00 PM, he was not let in as election staff stated they did not accept late observers. We had to call Giorgi Botkveli, the head of the National Movement’s support team in Gori, for help. After that our observer was allowed in.”

Voters at polling stations in Senaki were not marked. In addition, in precinct # 18 the procedure for transporting the ballot box was breached.

Many people stopped on the Zugdidi-Tbilisi high-way near Abasha on January 5. Everybody could hear the song “Misha is great” coming from the election headquarters of Mikheil Saakashvili. Two hours before the polling process finished the supporters of the presidential candidate could not help their excitement. Rezo Mikadze, the head of the HEADQUARTERS said: “Our excitement is equal to our victory. Mikheil Saakashvili has gained the most votes in Abasha.” Mikadze considered that he was not violating the law while singing “Misha is great” and it was not propaganda because he was 500 meters away from the polling station.

An unprecedented incident occurred in Martvili precinct # 65. The seal was taken away from the polling station # 4 for half an hour. Aleko Faghava, a representative of Levan Gachechiladze’s headquarters said: “Nika Tsulaia, an observer protested the fact. Commission members from the ruling party abused him and advised him to keep silent” Polling station # 4 also did not have a sufficient number of red envelopes for voters registered in the additional list.

A PEC member in Lekhaindrao polling station # 34 in the Martvili district looked through the filled-out ballot paper of a voter before putting it into the ballot box. Having seen that number one was circled; he tore one side of the paper and made it invalid. Similar blatant violations were observed by Mamuka Danelia, the district governor but without any response.

People tried to push extra ballot papers in the ballot box of Namikolao polling station # 32.

Guge Tsanava reported that voters visiting polling station # 9 located at Zugdidi Public School # 4 were protected from Abkhaz attackers by Georgian police. “Officers from the Zugdidi division of the Special Operations Department (SOD) and Constitutional Security Department of the Ministry of Internal Affairs were mobilized at the precinct. They introduced themselves as commission members; however later they admitted they were police officers protecting the precinct from Abkhaz.

Just after polling station #59 closed for counting, the electricity supply in the village of Orsantia in Zugdidi district was cut off. Tsitso Toloraia, a representative of Levan Gachechiladze’s headquarters bent over the polling box to protect it; but she was attacked. Activists from the National Movement mixed fraudulent ballot papers with the ones dropped from the broken polling box. However, government representatives were unable to replace the box. After a long heated discussion, opposition representatives left the polling station in protest.

2.4. “Merry-go-round” voting

It was reported that in Tbilisi several mini-buses were taking voters from one polling station to another to vote in all these stations, especially in polling station # 47 and #60. One of the drivers of told Ucha Nanuashvili, executive director of the Human Rights Centre, that the National Movement hired him to take people to different polling stations throughout the city. Mini-buses with the following license plates were observed in this regard: LEV 543, ABT 786; BER 814; NIA 949; SIO-466; COO-486; AEB-471; ABI-999; STS-836; VIV-220; ITI-180; STS-836; and LLK-684. Nanuashvili was able to gather evidence of this practice by taking pictures. The drivers stated they were contracted by the National Movement.

A similar practice was observed by the Human Rights Centre in Kutaisi where mini-buses with the following license plates were present in the proximity of polling station # 55: CAC 937 and LIG 778 The drivers claimed they were mobilized at the polling station to help voters.

“Merry-go-round” voting took place at several polling stations in the Akhaltsikhe district. A mini-bus was moving around the town and was driving a group of people. They visited almost every polling station, voted there and then moved to other stations.

“Merry-go-round” voting also occurred at several polling stations in Tbilisi at polling stations #24 and #26. There remains the question of how these people managed to take part in “merry-go-round” voting if they are marked... Supposedly, they are not marked at all or they can remove the substance from their fingers afterwards. An observer of the Human Rights Centre carried out an experiment; the observer removed the marking substance immediately and afterwards the apparatus did not detect the fluid at all.

Nine mini buses were driving around in the Gldani district transporting voters. Patrol police car # 412 was following the mini buses. The license plate numbers of the buses are NAB 987; GTO 917; RAN 758; ABG 229; LLL852; GGG354; ROO 015; MUM 894; and DII 164.

“Merry-go-round” voting was also observed at polling station # 19 of the Nadzaladevi precinct.

Alkazar Baghaturia, an activist for the United Opposition was arrested in the evening of January 5th at polling station # 21 of the Didube district in Tbilisi while trying to prevent “merry-go-round” voting from taking place. During this attempt, one of the voters accidentally dropped and broke his mobile phone. The police interfered in the incident. Having learned that my brother was there, police officers immediately arrested him. A criminal case was initiated on the ground of destruction of property. A court released him on GEL 2000.

One of the observers reported in the morning that nearly fifty mini buses were mobilized in the Didi Dighomi district in Tbilisi. The drivers were paid one hundred lari and were given fuel.

Konstantine Gamsakhurdia, leader of the political party “Tavisufleba”, started visiting polling stations in and around Zugdidi. He visited almost the whole region. Having returned from the villages of Ingiri, Darcheli and Kakhati, Gamsakhurdia stated: “Groups of activists from the National Movement and police officers are mobilized in the Zugdidi district. I noticed Tengiz Gunava, the head of the Regional Police Department, who personally drove a car for “merry-go-round” voting near the village of Darcheli.” The “merry-go-round” voting was observed at polling stations # 53, # 19 and # 9.

The Georgian population did not leave the Abkhazian territory on January 5th. Most of the IDPs voted in polling stations # 26, # 89 and # 27 located in the Enguri paper factory district and took active part in “merry-go-round” voting.

2.5. Counting

The electricity supply was cut off while counting the votes at polling station # 3 in the Akhaltsikhe district. The result of the delay was 200 more ballot papers on the table.

Human Rights Centre representatives earned that additional ballot papers had been prepared to fraud the elections in the village of Berbuki in the Gori district. After a five-minute-negotiation with the police, the electricity supply to the building was cut off. Police officers were clearly visible pulling down the electricity switch handle on the ground floor. The electricity to the village was not cut off. Women could be heard crying on the second floor, “What are you doing? Are you not ashamed? The process was so smooth during the whole day and now...” Two minutes later the power was back on, but it was soon cut off again. Many people gathered outside the building where the polling station was located, including several journalists. “Why are you panicked? Nothing is going on...You can go up and observe yourselves if there are any violations.”

The polling station was opened and entering the room, one could see ballot papers on the floor. Tsira Merebashvili from the Labor Party and Ketevan Naniashvili from the United Opposition stated that while the electricity was cut off three men put additional ballot papers on the table. Merebashvili said that, “900 of 1500 ballots had been given out during the day...Let’s see how many papers we will have now.” Later, the opposition members present said that they could not remember clearly whether observers from the National Movement had put the extra ballot papers on the table. When counting had concluded, there were 1,304 ballots on the floor with 1,134 of them supporting Mikheil Saakashvili, 154 supporting Levan Gachechiladze and 130 votes for the Labour Party. Badri Patarkatsishvili did not receive any votes.

No one has yet declared the results of the Berbuki Polling Station to be invalid. Commission members have filed complaints, and the Human Rights Centre has inquired as to why the ballot papers were being counted from the floor. The Commission Chair’s response has been because not all the ballots could fit on the table.

A member of the PEC of Akhaltsikhe polling station # 29 was pushing envelopes into the box. She took ballot papers from voters and then put them into the envelope. Nobody made remarks about the violation.

3. Violations observed in the post-election period

Lawyers from the Human Rights Centre, despite being oppressed, state that the final record of one polling station in the Vachnadzeani District was signed by someone other than the District Election Commission Chair, Ilia Dalakishvili. According to the Precinct Election Commission (PEC), presidential candidate Mikheil Saakashvili received 85 % of votes in that particular polling station. Kristine Magamedov, a resident of the village of Chantliskuri in the Kvareli District, recently called the Human Rights Centre to detail the reprisals she faced after confirming election violations on January 5th. Magamedov said that immediately prior to her calling the Human Rights Centre, Alik Ramazanov and other members of the National Movement broke into her house and demanded that she withdraw her supporting statement regarding election violations detailed in the official complaint of Gela Mtvlishvili, an observer from the Human Rights Centre. Based on that complaint, the Centre demanded that the poll results from the Chantliskuri Polling Station be invalidated. The complaint was drawn up by Mtvlishvili, with Magamedov confirming that Ramazanov was accompanying voters into

polling booths and circling number five for Saakashvili. Magamedov states that unless the Human Rights Centre withdraws their appeal, National Movement members are threatening to burn down her house at night. Representatives of the National Movement also threatened to detain her father.

Representatives of the Coalition for Democracy accidentally witnessed a grave violation of election procedure while demonstrating in front of the CEC office on January 10th 2008. The violation consisted of disposing of large amounts of filled-out ballots, voters' lists from different PECs and other election related documents. The representatives of the Coalition for Democracy were able to document this fact by taking pictures. In addition, they were able to take some of the boxes containing the election documentation with them. According to the Election Code of Georgia, the authorities are obliged to safely store such documentation for the duration of five years.

There have been several instances where observers were unable to file official complaints with DEC's due to the fact that these DEC's were closed. Considering the Election Code allows observers to file complaints related to the observed breaches for a duration of three days, the closing of the DEC's made it impossible to adequately utilize the complaint procedure provided for by the Election Code.

4. Evaluation and Conclusions

Fairness of the elections is to be evaluated by taking into account the three phases of elections: the pre-election, Election Day and post-election periods. During the pre-election period presidential candidates were not given an equal opportunity to effectively carry out their election campaign. The restrictions imposed on the media severely hampered opposition parties in imparting information to the public concerning their political platform. Due to the lack of time, candidates had limited possibilities to raise funding which could have been used for the pre-election campaign. In addition, the extensive use of administrative resources by presidential candidate Saakashvili put him in a favoured position.

The irregularities of the voters' lists had a direct impact on Election Day. Many people were not registered before the elections and needed to register themselves onto the additional voters' lists at the polling stations. This registration process took up extra time and consequently many polling stations were overcrowded. In turn, the queues at the polling stations negatively affected the registration of voters onto the additional list and the voting process in general.

The presence of uniformed police officers, unauthorized individuals and governmental representatives seems to have been a purposeful attempt of the authorities to instil fear in the public during voting.

Various techniques used during the Election Day, as well as the post-election period, had a significant impact on election results. The gravest attempt to manipulate the results was the falsification of the results by amending the summary protocols. Most of the protocols were amended without following formal procedure. Amended protocols that were scanned and put on the CEC web site did not coincide with the protocols taken from the polling stations by observers. Observers of the Human Rights Centre, as well as witnesses ready to provide evidence, were being threatened.

Most of the representatives of the Georgian media remain subjective providing no space for equal competition. Violations documented by the Coalition for Democracy were not given

adequate news coverage, depriving the Georgian public of the possibility to be informed on issues of high importance.

Based on the findings provided in this report, as well as the findings of the other members of the Coalition for Democracy, the Human Rights Centre believes that the 2008 presidential election fails to meet the fundamental requirements set by Georgian legislation and international law. To avoid mass falsification of the coming parliamentary elections and to guarantee the free exercise of the right to vote, it is necessary that the international community gives an objective and firm evaluation of the 2008 presidential elections.