

Human Rights Center (HRIDC)



# Intermediate Report

## Research of Pre-election Period

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Human Rights Center is an NGO dedicated to increasing respect for human rights and fundamental freedoms and promoting the democratic development of the state. We cooperate with international and local NGOs which share the understanding that respecting human rights represents a precondition for strengthening democracy and peace in Georgia.

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## Introduction

The 2012 parliamentary elections represented a significant event in the history of Georgia. It should be taken into account that according to new constitutional amendments, Georgia will transfer to a mixed form of governance in which the political and legal role of the Parliament in the life of the country will increase.

Almost a year before the elections, a new opposition coalition “Georgian Dream” was created with strong financial resources (The leader of “Georgian Dream” is the richest person in Georgia, Bidzina Ivanishvili). The main opposition parties joined the coalition which formed a real electoral alternative to National Movement for the first time in many years. The creation of an important opposition coalition should help to promote a real atmosphere of competition in future parliamentary elections. However, real political competition is one thing, whilst the creation of a political and legal environment which ensures reliable guarantees for such competition is another.

The 2012 Parliamentary elections represent a turning-point in the political and legal development of Georgia. The future development of the country and its perspectives of integration into the Euro-Atlantic space depend on the results of these elections, which represent the only guarantee for the sustainable development of a secure Georgian society.

According to the joint statement of the High Representative of the EU Catherine Ashton and the EU Commissioner for Enlargement and European Neighborhood Policy Štefan Füle, the EU has many expectations about the parliamentary elections on October 1<sup>st</sup> since they will be crucial for the continued democratic development of Georgia and will set the stage for the quality and depth of EU-Georgia relations in the future.<sup>1</sup>

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<sup>1</sup> [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/132250.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132250.pdf)

## **Standards for Assessment of Pre-election Environment and Monitoring**

Elections monitoring must take into account not only the day on which eligible citizens cast their vote. It is an important part of monitoring to consider and analyze all events which may influence the electoral process and its fairness. The characteristic trends of the current electoral process which are presented in this report must be assessed both separately and in conjunction with each other in order to evaluate their impact on the pre-election environment and in general on the fairness of the electoral process. The goal of this analysis is to determine how political and legal processes in Georgia comply with international and national standards obligatory for elections. In particular, ensuring a truly competitive pre-election environment allows voters the possibility of making real and informed choices. Also, it is crucial to guarantee a free, fair and equal pre-election environment for relevant electoral candidates and their supporters.

According to article 5 of the Constitution, the people shall be the source of state authority in Georgia. People exercise their power **“through their representatives”** who are elected by means of an equal and fair electoral process. Thus, elections represent an institutional mechanism which makes democracy work.<sup>2</sup>

According to the same article, **“no one has right to seize the authority or usurp it”** in other words, to exercise authority without fair electoral procedures and the democratic legitimacy gained as a result.

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<sup>2</sup> #1/1493 decision of December 27<sup>th</sup> of 2012 of Constitutional Court on the case – **“Political Union of Citizens New Rights Party and Conservative Party of Georgia against Parliament of Georgia.”**

Thus, “in order for people to govern, people should participate in politics and the best way to do this is through elections”.<sup>3</sup> The electoral process which ensures “people’s governance” must be fair. To determine its fairness, an equal electoral environment is decisive. *“In the elections process, the state has an obligation to ensure an environment of equality. In this process, its main function is not to restrict anyone or give privileges without reasonable explanation”*.<sup>4</sup>

Thus, a fair and equal electoral environment means that the state must place all electoral candidates on an equal footing. Naturally, it is impossible to achieve complete equality considering the differing administrative and financial abilities of each electoral candidate, but the state must not exert any ungrounded or unfair discrimination on top of these pre-existing inequalities. Moreover, the relevant legislation must not allow such discrimination and must be applied objectively towards everyone.

Considering all the abovementioned points, the goal of this research is to assess the electoral process, specifically the pre-election period, including how well the state obligation to ensure an equal electoral environment is fulfilled.

## **Main Features of Ongoing Electoral Process in Georgia**

One main feature of the ongoing electoral process in Georgia is that on absolutely every level of state governance, the governing party – National Movement – dominates. Because of this, often it is very hard to differentiate the work of the government from the work of an electoral party prompted by electoral interests, especially in the pre-election period. This gives the impression that state bodies are involved in the pre-election battle, which negatively affects the electoral environment. *“As long as there is no line between the State and the ruling party, this will continue to be a problem and lead to tension and divisions”*.

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<sup>3</sup>       ibid

<sup>4</sup>       ibid

The work of the government during the pre-election period is entirely directed against new opposition coalition “Georgian Dream”. Since October 2011, after billionaire Bidzina Ivanishvili announced his desire to form an opposition political party, he began to have problems (losing his citizenship, refusal of return of his citizenship on unjust grounds, etc...). Later when he formed a political organization, the organization and his political partners started to have problems (repeated fines and confiscation of property). In this period, private persons associated with Bidzina Ivanishvili also started to have problems which were often created artificially.

Significant changes made in the legislation on political unions of citizens and in the Criminal Code as well as the Code of Administrative Offences and the new Electoral Code (which was adopted on December 28<sup>th</sup> 2011) in December 2011 were prompted by the formation of the new opposition coalition. These amendments were intended to impose restrictions on the financing of electoral campaigns. Although the goal of limiting the amount of money used for political ends is legitimate in itself, the amendments caused various reactions. The majority of human rights organizations in Georgia consider that these amendments are extremely strict and some restrictions and especially sanctions are inadequate. Besides, according to the same organizations, the new amendments give the government too much room for interpretation and allow them to apply the law selectively, against political groups which are seen as undesirable by those in power.

The electoral process got underway along with restrictions on dissemination of information by non-governmental media outlets. In particular, non-governmental TV-channels were deprived of the right to cover the regions. Though the Georgian Parliament adopted relevant amendments to oblige cable operators to include non-governmental TV-channels in their package of services for the 2 months preceding the elections, cable operators are mainly available in the big cities of Georgia whilst in the provinces, for almost 50% of the population, the only source of alternative information remains satellite antennas.

Two non-governmental TV channels decided to sell satellite antennas to people in the regions in order to enable them to receive information from both governmental and non-governmental channels . The Office of the Prosecutor confiscated their antennas, accusing them of trying to bribe voters. Thus, the majority of the population in the regions is deprived of the possibility of receiving alternative information. All of this will negatively affect voters' ability to make an informed choice. Besides, the decision of state bodies to restrict the sale of satellite antennas contravenes the so-called “must-carry” principle.

Marked polarization, irrational hatred of political competitors and calling people with dissimilar opinions enemies of the state have become features of the pre-election environment. One has the impression that the whole government, including high officials, are involved in a pre-election campaign which involves ungrounded politicization of government bodies and their conversion into pawns in the electoral battle. Due to this, political opposition parties and voters supporting them are often referred to not as partners, but as electoral competitors. Such biased involvement in the electoral process has the potential to violate the utmost principle of democracy – people’s governance – and could monopolize power in one governing party.

Thus, the main feature of the pre-election environment is the use of so-called government bodies for the electoral process, thereby influencing the results of the electoral process in favor of the government and the governing party associated with it.

### **Types of Government Resources Used in Ongoing Electoral Process**

When we talk about using government resources to influence the electoral process, we mean any act of government which is directly aimed at influencing the electoral process and specifically at promoting or or disadvantaging electoral candidates.

Government resources are often defined as administrative and material resources, as outlined in the Election Code of Georgia. However, it would be preferable to talk about government

resources in general and not just administrative and material resources, since government interventions can often have non-material form.

The Georgian organic law Election Code of Georgia includes a definition of “administrative resource” in only one article, namely article 48, the title of which is “**Prohibition of use of administrative resources during pre-election campaign**”. Thus, according to the code, use of administrative resources is prohibited only during pre-election campaigning. Pre-election campaigning (agitation) according to part I of article 45 of Election Code of Georgia “*starts from the moment the election date is set.*” Thus, according to the same article of the Code “*electoral candidates must have equal rights according to this law*”. It should also be taken into account that the Election Code stipulates that the date of elections should be set no later than two months before elections. In line with this provision, the President of Georgia set the date of the elections – October 1<sup>st</sup> 2012 – on August 1<sup>st</sup> 2012, so the prohibition of the use of administrative resources started from this date. It should also be taken into account that the pre-election period ends on the day of balloting. Thus, prohibition of the use of administrative resources should end on the same day.

According to article 48 of the Election Code of Georgia: “**Any person who has the right to participate in the pre-election campaign is prohibited from using the following administrative resources to support or campaign against any electoral candidate during pre-election campaigning:**

- a) Means of communication, information services and other services of bodies of state government and local government or the organizations which are financed from the state budget.
- b) Means of transportation belonging to state or local government bodies for free or with privileges”.

According to this provision of the Code, it is prohibited<sup>5</sup> to use certain administrative and material resources (buildings, means of communication and transportation) in certain cases, for instance, when another electoral candidate does not have the opportunity to use the same resources. Thus, it can be said that the list of prohibited or restricted administrative resources is rather short. Moreover, the conditional restriction operates only for a period of two months.

Another restriction which is not mentioned in the Election Code but concerns administrative resources is related to campaign budgets and use of official positions during the pre-election period (for two months). According to Article 49 of the Code, relevant government officials, participating in the pre-election campaign, must not **involve subordinate workers in work which aids the electoral chances of a certain candidate, collect signatures or conduct pre-election campaigning on business trips financed by state government or local government or conduct pre-election campaigning while fulfilling official duties**. The prohibition of conducting pre-election campaigning does not apply to government officials holding state political positions.

According to part 3, Article 49 of the Election Code, **“from the day the election date is set till the day the final results are announced, it is prohibited: to undertake projects which were not previously included in the state/local budget, to increase the budget of programs which were not already included in the budget, or to initiate non-scheduled transfers or increase scheduled transfers in local government budgets. If this rule is violated, the relevant individual can address the Court and request that the accounts are blocked”**.<sup>6</sup>

Considering all the above-mentioned points, it would not be expedient for the government to make use only of so-called “administrative resources” in order to influence the electoral process. The actions carried out by the government in order to directly influence the results

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<sup>5</sup> Regarding this, see Intermediate Report – Research of Pre-electoin Period: [http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC\\_Election\\_Interim\\_Eng%20%283%29.pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC_Election_Interim_Eng%20%283%29.pdf)

<sup>6</sup> Ibid

of elections are a lot broader and not confined to the “administrative resources” foreseen by the Code. By such actions we mean any work done by a government body or its members which directly or indirectly influences the equality of the electoral contest. Obviously, this does not mean that during the pre-election period the government must stop work related to the fulfillment of its functions. It is almost always the case, in democratic states, that one or several political bodies (party or coalition) remains in power in the run-up to elections. However, this work should not turn government institutions into players in an electoral battle which can put the pre-election environment off-balance.

As a result of our observation of the pre-election process ongoing in Georgia, we can list the following forms of administrative resources:

1. ***Legislative Resources*** – when government uses its legislative authorities to grant electoral advantages to a certain political group or on the contrary, to put certain political groups at a disadvantage.
2. ***Regulatory (governing) resources*** – use of government authorities for electoral aims.
3. ***Law-enforcement resources*** – when relevant law-enforcement or supervisory bodies are used to directly or indirectly influence the results of elections.
4. ***Financial Resources*** – when money from the state budget is used for the benefit of one of the electoral candidates
5. ***Media Resources*** – when government-controlled media outlets are misused.

Concrete cases of the use of government resources will be discussed in the next chapter. Moreover, the separate and combined effect on a fair and equal election environment will be assessed.

## **Use of Legislative Resources by Government**

The main characteristic of a democratically-organized society is that the selection of the supreme institutions of government occurs via elections. In order to declare the elections democratic, first of all, there must be an election law which ensures free and fair elections in the country. At the same time, good election laws are not enough alone to ensure fair elections. The application of this law by the responsible administrative bodies is also important.

The basis for Georgian election legislation includes the Constitution of Georgia (1995), Election Code of Georgia (organic law of Georgia adopted on December 27, 2011; went into force on January 10, 2012), organic law of Georgia on Political Unions of Citizens, Criminal Code of Georgia, Administrative Code and the legal acts of the election administration.

It is noteworthy that the ruling party – United National Movement – has an absolute majority in the Parliament of Georgia. It is entirely possible for them to adopt relevant laws and initiate constitutional amendments in the parliament in line with the concrete interests of the party.

For example, 9 months before the parliamentary elections, the Georgian Parliament adopted a new organic law on the Election Code of Georgia at its third hearing and introduced relevant amendments to the organic law of Georgia on Political Unions of Citizens and to the Criminal Code of Georgia with regard to restrictions of party funding and vote-buying issues.

It is worth noting that before the draft election code was drawn up, 8 main opposition political parties (the so-called Opposition Eight) declared a desire to participate in the formulation of the new election law through dialogue with the government. In the first stages, some progress was achieved in this direction but in the end no large-scale political agreement on the election system was achieved and the so-called Opposition Eight fell apart.

The ruling party had the advantage in these negotiations; if consensus was not achieved, they had the authority to pass a legislative decision, so achieving consensus relied on their goodwill. So, in December 2011 the Parliament of Georgia adopted the law without widespread political agreement.<sup>7</sup>

On December 27 2011, nine months before the parliamentary elections, the Parliament of Georgia passed relevant legislative additions and amendments to the organic law on Political Unions of Citizens. According to these amendments, special, strict regulations were introduced for the funding of political parties.<sup>8</sup>

There was a well-grounded assumption that those amendments were caused by the appearance of the opposition coalition Georgian Dream. It is significant that billionaire Bidzina Ivanishvili is leader of the coalition and potentially his political party has strong financial support.

It should be taken into consideration that unlike the election code, the draft law on the funding of political parties was not discussed by the Venice Commission (commission of the Council of Europe “Democracy through Justice). Of course, the government is not obliged to send the draft-law to the Venice Commission for expertise but it is noteworthy that when significant legislative amendments are drafted, in accordance with established practice, the government usually cooperates with this body. New regulations on party funding made funding procedures more complicated, restricted the circle of party donors (namely, legal persons were removed from the list) and sanctions for the violation of these rules were made more severe. According to the amended law, the State Audit Office of Georgia (formerly Chamber of Control) was put in charge of controlling party funding instead of the CEC, which is a collegiate body with representatives of both opposition political parties and the

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<sup>7</sup> you can find main gaps in the election code of Georgia in the Intermediate Report Research of Pre-Election Period on the following link: [http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC\\_Election\\_Interim\\_Eng%20\(3\).pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC_Election_Interim_Eng%20(3).pdf)

<sup>8</sup> Human Rights Center’s Intermediate Report on Research of Pre-Election Period [http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC\\_Election\\_Interim\\_Eng%20\(3\).pdf](http://www.humanrights.ge/admin/editor/uploads/pdf/HRIDC_Election_Interim_Eng%20(3).pdf)

ruling party. The State Audit Office is a more centralized body and its head is selected by the parliament where the ruling party has a majority.

In accordance with the amendments to the organic law on Political Unions of Citizens introduced on December 27 2011, which set strict restrictions on funding of parties, SAO was put in charge of controlling party funding (in accordance with the 2012 Constitutional amendments, former Chamber of Control was renamed the State Audit Office).

The main functions of the former Chamber of Control were regulated by Article 97 of the Constitution of Georgia. The initial version of this article stated that “*The Chamber of Control of Georgia shall supervise the use and expenditure of state funds and of other material goods. It shall also be authorized to examine the activities of other state bodies of fiscal and economic control and submit proposals on improving tax legislation to the Parliament.*” These functions and the name of the former Chamber of Control were changed by the constitutional amendments of May 22, 2012. According to the new amendments and additions to the Constitution, the State Audit Office **shall supervise the use and expenditure of public funds and other material goods** – that is, including the non-state expenditure of political parties; although this institution already supervised the expenditure of political parties in accordance with the amendments introduced on December 27, 2011 to the Law of Georgia on Political Parties. We can assert that from December 27 2011 to May 22 2012, the Chamber of Control carried out activities beyond its realm of competency as defined by the Constitution. We believe this fact can be considered as a significant violation of the Constitution and it must be studied in detail in view of the constitutionality and the legal impact of those violations. We can only assume why the Georgian legislative body failed to respect such an important constitutional amendment in addition to the principle of the rule of law. However, we should underline one important fact – unlike in organic law, more complex and lengthy legislative procedures are required to amend the constitution. Moreover, any draft constitutional amendment must be publicly discussed for at least one

month. So, unlike in organic law, it is impossible to introduce any amendments to the Constitution in a limited time-frame.

The particular procedures around discussing and passing constitutional amendments stem from the rule of law principle which states that when adopting any law (particularly amendments to the Constitution) special procedures must be respected, which are mentioned in the report approved by the Venice Commission on April 4, 2011.<sup>9</sup>

So, we can assume that the government made negative use of some legislative resources before the elections. Some more legislative amendments were adopted using the same method and were used for a particular purpose, as happened in the case of Bidzina Ivanishvili's Cartu Bank , which was fined 200 million lari.<sup>10</sup>

## **Use of Law Enforcement, Supervisory and Regulatory (Ruling) Resources of the Government**

During the entire pre-election period, many incidents were observed when supervisory and law enforcement institutions of the government exerted a direct influence on voters, election candidates and their activists. The following state institutions were particularly active in this regard: law enforcement bodies (mostly police and special units of the MIA), judiciary bodies (which consistently accepted solicitations of police, prosecutor's office and other supervisory bodies to detain politically active people, to impose administrative imprisonment on them, etc), State Audit Office, employees of central or local governmental bodies and their family members.

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<sup>9</sup> [http://www.venice.coe.int/docs/2011/CDL-AD\(2011\)003rev-e.pdf](http://www.venice.coe.int/docs/2011/CDL-AD(2011)003rev-e.pdf)

<sup>10</sup> <http://www.humanrights.ge/index.php?a=main&pid=14108&lang=eng>

Below are listed concrete activities of the relevant government institutions in August-September 2012 which directly or indirectly contributed to an unequal pre-election environment.

## **Conclusion**

As a result of monitoring, the following problems were singled out: **over the last two months, the long-term observers of Human Rights Center observed 87 cases of abuse of law enforcement and misuse of the supervisory and regulatory resources of the government. 10 of these concerned illegal interference in the activities of journalists; 50 cases were linked with politically motivated oppression and revenge by governmental institutions, and there were 27 cases of assumed politically motivated detentions. Our monitors observed that human and financial resources of the government administration were misused in 17 cases.**

More problems included: abuse of administrative resources by the ruling party; politically motivated persecution of people, which acquired alarming proportions (more than 60 activists of Georgian Dream were detained); doubts about voters' lists. The media is still experiencing oppression and satellite dish antennas are still confiscated. Disproportionate fines sanctions and fines hinder the activities of the political opposition coalition.

Recently, the government of Georgia and the ruling party – United National Movement were strongly criticized by two international organizations at once. Rapporteurs of the PACE and the Pre-Election Mission of the Parliamentary Assembly of OSCE expressed their concerns about the current situation and called on the government to create equal conditions for every political party during the pre-election period.

## **Background**

The evaluations of international observers were preceded by statements from international and local NGO's in which they repeatedly condemned the actions of the government against the opposition. In particular, the NGO sector highlighted problems during the pre-election

period in the run-up to the parliamentary elections on October 1. As early as the end of last year, Coalition Freedom Choice drew attention to an unhealthy situation that could influence the election process. [In December 2011 the coalition published an analysis of media problems and cases of human rights violations related with political processes during the pre-election period.](#)

In July, when the pre-election environment became very tense, the international organization [Amnesty International directly demanded that Georgian Authorities stop violence against the opposition ahead of elections.](#)

“Amnesty International is concerned by the fact that the Georgian government is unable to protect opposition supporters and journalists from political violence when Georgian citizens are preparing for parliamentary elections”- stated Amnesty International, whilst listing many incidents against Georgian Dream in the regions. Local media also mentioned incidents of possible bribery of voters , dismissal on political grounds, political pressurizing, interference in political activity as well as misuse of administrative resources by National Movement. (See. [Mtskheta-Mtianeti – Pre-Election Digest # 1](#) and [Kakheti- Pre-Election Digest # 1](#))

Civil society was concerned by the fact that during the pre-election period, [Global TV satellites were seized.](#) This was followed by a [protest rally against the seizure of Maestro TV satellite dishes.](#)

The NGO sector’s main criticism of the government concerned the unfair measures carried out against Georgian Dream leader Bidzina Ivansihvili, especially the disproportionate financial penalties he received. According to the [decision of the Appeal Court passed on June 15,](#) Georgian Dream Leader Bidzina Ivansihvili was ordered to pay 74.32 million lari, which was the largest fine he had received to date. At the end of July Ivanishvili paid this fine with the condition that the money would be used for the people who had been victims of a natural disaster in Kakheti.

At the same time, the State Audit Office periodically seized the accounts of Georgian Dream coalition activists. One step behind this organization, the National Bureau of Enforcement also worked quickly to sell the seized property by auction. The property of people who had different political views was seized in a tragic manner.

### **Mission expresses concern**

OSCE Parliamentary Assembly's pre-election observation mission expressed concerns over "questionable decisions" made by the State Audit Office, including imposing "disproportionate" and "harsh" penalties "apparently being applied in a selective manner."

The four-member mission, made up of OSCE Parliamentary Assembly's leadership, also expressed concerns over the judiciary system and expressed hope that in the final weeks of the campaign ahead of the October 1 parliamentary elections, the Georgian authorities would create "a level playing field for all parties".

News agency Interpresnews reported that the OSCE PA Mission paid a visit to Tbilisi to monitor the pre-election environment in the country on August 20. During their three-day visit, the Delegation met with representatives of the government, opposition parties, international and nongovernmental organizations, the Inter-agency Task Force and members of the Parliament of Georgia.

According to Civil Georgia, the three-day visit of the OSCE Mission to Georgia aimed at assessing the country's pre-election climate. The mission was led by former foreign minister of Croatia Tonino Picula and also included OSCE Parliamentary Assembly's President Riccardo Migliori, OSCE PA Secretary General Spencer Oliver and director of OSCE PA presidential administration Roberto Montella.

During the visit the mission met with representatives of the ruling party, the opposition, election administration, as well as media and civil society representatives and members of the international community in Tbilisi.

“We welcome positive amendments to the election system of Georgia and a pre-election effort that aims to ensure the accuracy of the voters’ list, provide transparency in campaign finance, and expand media accessibility throughout the country, but we do not want to remain blind to problems in the country. We discussed those problems with almost every party. We observed some problems – there may be partiality in the activities of law enforcement institutions, mainly the State Audit Office. We discussed the activities of these institutions with experts and interested parties and warned them that they are acting with “unclear” instructions. Another issue of concern is the judiciary. We wish to see courts operating in a transparent and unbiased manner and intervening with neutrality on various issues. There is enough time to eradicate these problems. We are observing huge polarization in society. We might be mistaken, but political rivals, governmental officials and opposition parties apparently do not share equal values. We want to witness an election which will be a celebration of democracy in Georgia,” Tonino Picula said.

He added that the members of the mission will continue monitoring the issues which are a cause of particular concern to the mission and will keep an eye on the ongoing process.

“We have seen a growing political polarization in the country. We are particularly concerned by the practices of certain law enforcement institutions in Georgia. In our view, the State Audit Office is using broad discretionary authority to investigate the legality of individual or party spending, making questionable decisions and imposing harsh penalties without clear or transparent guidelines. The fines levied are disproportionate and are apparently being applied in a selective manner mainly targeting one political subject,” the head of OSCE PA Pre-Election Mission stated and added: “A fair and independent judiciary system is also fundamental to ensure the conduct of free and fair elections. After this visit, we have concerns about the possibility of receiving a fair legal judgement from the court system.”

OSCE PA President Riccardo Migliori said: “In the final weeks of this campaign I hope the Georgian authorities will commit to a credible election and help create a level playing field for all parties.” In addition, [Migliori said he detected signs of Leninism in the ongoing election campaign in Georgia.](#)

“We are on an important mission in this country during the pre-election monitoring. These elections are of great importance for your future. The elections should be another important moment in Europe. This is the goal of the governmental and opposition parties. There is a little part of Leninism in this electoral campaign. They don’t present programs but try to destroy rivals. There are no enemies in this society. Political parties shall necessarily present their programs and ideas to the population. Georgia is an important nation, an important place in the Caucasus; it is a beacon of democracy and we are here to make this beacon more important,” Riccardo Migliori said after the August 22 meeting with Davit Bakradze, chair of the Parliament of Georgia.

#### **Concern of Co- Rapporteurs from OSCE PA Mission**

Before the members of the OSCE PA Pre-Election Mission expressed their concern, the co-rapporteurs made a statement where the excessive and disproportionate fines imposed on opposition parties by State Audit Office were strictly criticized.

According to the official website of the CoE, PACE rapporteurs for Georgia express concern about financial actions against the Georgian Dream coalition. Co-rapporteurs from Parliamentary Assembly of the Council of Europe (PACE) on honouring Georgia’s obligations expressed concern over seizure of bank accounts of political parties within the Georgian Dream opposition coalition and said that “disproportionate fines” levied by the State Audit Office “effectively undermine normal political activity by an opposition party.”

The two co-rapporteurs, Michael Aastrup Jensen of Denmark and Boriss Cilevičs of Latvia, said in a statement on August 21, that seizure of the Georgian Dream’s bank accounts was

undermining the opposition coalition's participation in the election campaign for the October 1 parliamentary polls. "The excessive and disproportionate fines levied by the State Audit Service effectively undermine normal political activity by an opposition party," the statement reads.

"This is of concern, especially in the context of recurrent allegations of bias of the State Audit Service and reports by credible organisations, such as the Georgian Young Lawyers Association, that question the fairness of the court decisions in this respect," the co-rapporteurs said.

"The rationale for campaign funding legislation is to ensure a level playing field between all electoral contestants, and not to drive one party or the other out of the electoral race."

"The upcoming elections, and their democratic conduct, are crucial for Georgia's democratic development. We therefore call upon the Georgian authorities to demonstrate maximum restraint and to ensure that all parties, including the Georgian Dream Coalition, can participate fully in the electoral campaign," the statement reads.

The two co-rapporteurs plan to visit Georgia on September 11-12 as part of the pre-electoral mission of the Parliamentary Assembly of the Council of Europe.

### **National Bureau of Enforcement Woke Up**

After the co-rapporteurs of the PACE expressed their concerns, the National Bureau of Enforcement (NBE) has "postponed" collection of GEL 2.85 million fine, which was imposed on six political parties united in Bidzina Ivanishvili-led Georgian Dream opposition coalition, the Georgian Justice Ministry said late on August 22.

"Up to date, only a small portion of the fine, GEL 122,000, has been collected by the NBE, without freezing any account," Justice Ministry's statement reads. "Nevertheless, following

the recommendation of the Inter-Agency Task Force for the Free and Fair Elections and consultations with the State Audit Office of Georgia, who is the creditor in the case, the NBE has decided to postpone the enforcement of the Tbilisi Court Decision,” the statement of the Ministry of Justice reads.

Spokesperson of the National Movement MP Chiora Taktakishvili connected the critical evaluation of the OSCE PA Mission about pre-election situation in the country with “their inaccurate information provided by the lobbyists of concrete political parties.” The ruling party had the same reaction about the statement of the PACE rapporteurs. In his interview with Radio Liberty, member of the Georgian Delegation in the PACE Giorgi Kandelaki stated that co-rapporteurs were misled like several other people.

Similar comments made by the representatives of the parliamentary majority demonstrate the readiness of the government to consider the concern of international observers and civil society, to change repressive politics and create normal pre-election environment in the country.<sup>11</sup>

We believe that the government’s repression of human rights defenders and politically active citizens, which we have discussed above, particularly when political crisis is clearly observed in the country and it is in a pre-election period, exceeded all limits.

Instead of offering lawfully acceptable solutions to the political deadlock, in order to ensure that fair elections are held on October 1, the government is escalating an already tense political environment.

We view recent incidents of detention and physical violence against peaceful citizens as a continuation of the government’s policy which caused difficult and unbearable conditions in penitentiary establishments. Recent repeated cases of violence again convince us that the

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<sup>11</sup> <http://humanrightshouse.org/Articles/18523.html>

government of Georgia does not realize the importance of the horrifying video-footage and will not reform the existing illegality in the country.

In addition, Human Rights Center believes that whilst the pre-election process has been conducted on the borderline of illegality, after these aforementioned cases there is a real threat that this trend will acquire irreversible form and that the elections will lose their meaning entirely. Recent events encourage us to doubt the government's desire to hold elections in a peaceful and just environment.