

June 2008

# Georgia's Parliamentary Elections – Unprecedented Brutality and Election Fraud

Monitoring of Elections of May 21, 2008



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<sup>1</sup> Cover Photo: Polling Station N 37 in

Lambalo-Koba Kupatadze, a beaten observer

Human Rights Centre

(HRIDC)

Tbilisi, Georgia

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Human Rights Centre (HRIDC) is a non-governmental human rights organization, without any political or religious affiliations. The purpose of HRIDC is to increase respect for human rights and fundamental freedoms in Georgia, as well as to contribute to its democratic development.

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Cover Photo: Polling Station N 37 in Lambalo-Koba Kupatadze, a beaten observer

The HRIDC wants to express its special gratitude to a number of stakeholders for their support to the Human Rights Monitoring Program: Black Sea Trust of the German Marshal Fund of the United States, the Lithuanian Embassy to Georgia, Cordaid, the National Endowment for Democracy (NED), Norwegian Helsinki Committee.

We would like to highlight the timely contribution that Ivar Dale and Aage Borchgevink, representatives of the Norwegian Helsinki Committee, made in documenting the Khurcha incident, which took place on Election Day in the Georgian-Abkhaz conflict zone. Their timely and highly professional report has added much insight into the understanding of the 2008 Georgian Parliamentary Election.

## INTRODUCTION

The Human Rights Centre has been actively monitoring the level of respect for human rights by the Georgian Government for more than 10 years. The Centre has also been actively engaged in national elections as a part of its general human rights monitoring activities. HRIDC observed the snap-presidential Elections of 2008 and issued a report of its findings.

The report can be found at the centre's web page:

<http://www.humanrights.ge/admin/editor/uploads/pdf/Preliminary%20Report%20of%20the%20HRIDC%20on%20the%20Presidential%20Elections.pdf>

When it was learned that Parliamentary Elections were scheduled to be held in the spring of 2008, the Human Rights Centre focused its resources and professional expertise on observing a full range of activities and processes related to the Georgian Parliamentary Elections. The new parliament will now consist of 150 members, 75 elected from list of political parties, and 75 as single mandate constituencies. These changes came about because of amendments in the electoral system, which followed other changes in the Georgian Constitution and the Unified Election Code.

The Centre's objectives in this following the election process were: first to determine how closely Georgia's electoral process adhered to accepted international standards, especially in several problematic Georgian regions where election violations had occurred in the January 2008 snap-presidential elections; secondly, to increase the overall degree of public awareness about political processes taking place in Georgia; thirdly, to assist in making the political process in Georgia more transparent, not only for citizens but for international stakeholders as well.

The comprehensive goal in our concerted efforts has been to assist in the consolidation of the democracy that is unfolding or not, within Georgia. We are also assisting in bringing about open and transparent elections, and to further educate the wider public in terms of the developmental stage of fledgling Georgian democracy, especially since the national media is not been able or willing to provide sufficient and balanced coverage to these problems.

This report is divided into two parts. The first section of the report deals with the findings from the Human Rights Centre during the pre-election campaign. The second part reflects the Centre's experience and observations over the unfortunate events that took place on Election Day.

Unless otherwise noted, all information in this report is based on data collected by the observers of the Human Rights Centre and much of the same material is referenced in its online magazine on [www.humanrights.ge](http://www.humanrights.ge) The report also contains the findings of the Norwegian Helsinki Committee on Khurcha incident.

Finally, the report ends with a conclusion and several policy and action related recommendations that need to be implemented in the nearest future.

## PRE- ELECTION CAMPAIGN

Members of the Human Rights Centre network have been actively involved in the monitoring of the pre-election campaign. The staff has been especially focused on the level of adherence to election procedures by various actors who were involved in the pre-election campaign. We wanted to see how closely the process conformed to procedures and guidelines of the Central Election Commission (CEC) and based on enabling Georgian legislation. Various election-related violations observed during the pre-election campaign can be classified in the following six different categories:

- ✓ Direct and indirect threats to members of local and district election commissions;
- ✓ Direct and indirect threats towards voters;
- ✓ Bribing of voters;
- ✓ Preventing opposition leaders from meeting with voters
- ✓ Active use of administrative resources by the ruling National Movement party
- ✓ Irregularities related to the voter's lists

Specific examples of the above-mentioned types of violations are detailed in the following findings, which have been clearly documented by the journalists of the Human Rights Centre. Representatives of other organizations, including the media and international observers, have also observed the same pattern of violations, including intimidation, pressure and vote buying.

### Diary of Pre-election Terror

This report contains detailed findings of opposition parties, who have been unwaveringly active in denouncing the Georgian government for supporting open and blatant political repression, acts of political terrorism and resorting to physical violence. They have alleged on many occasions that the ruling party, with the support of its activists, including a network of law enforcers, have resorted to “strong-arm tactics” in order to ensure that they would prevail in the upcoming elections. This campaign was supported by governmental resources and assisted by governmental employees. Supporters of opposition parties have been openly repressed and threatened with loss of jobs and other punitive measures. Some of the worst instances as described by nongovernmental organizations took place in the Kakehti region of East Georgia. However, these are not isolated cases to this specific region. The case studies and examples provided in this report are but a reflection of what had transpired in parliamentary elections on a national level.

### Police Detained Member of Egalitarian Institute.

Mikheil Kachkachishvili, member of the non-governmental organization Egalitarian Institute was detained on May 9 by the “patrol police” in the run-up to the parliamentary elections. Fikria Chikhradze, a single mandate candidate from the United Opposition in Telavi told how law enforcers had illegally taken Kachkachishvili into police custody while he was traveling to a political meeting in Telavi, a regional town in East Georgia.

“They stopped his car based on a pretext and not for some actual reason. When the police were asked why they had pulled the car over, they only say that because Mikhail looked suspicious,” explained Fikria Chikhradze. However, it did appear to eyewitnesses on the

scene that his detention was but an example of the government's willingness to use all means at its disposal to frustrate and place stumbling blocks in the way of opposition members, so to prevent them from attending various meetings. Mikhail had only wanted to participate in the pre-election campaign on a level playing field, which should have otherwise been afforded to all political parties on an equal basis.

In this case, Mikhail Kachkachishvili was subjected to drug testing for a controlled substance. However, the test results only proved he was a member of a political party and he was not drunk at the time or under the influence of a controlled substance.

Nino Petriashvili, wife of the detainee, stated at the time that she was actually driving the car and not her husband. She claimed that the police had been following the car all morning on the day of the incident. "Since Misha [Kachkachishvili] was subsequently released, patrol police were only able to fine him because he had parked his car in the wrong place. However, as his wife noted, the police should have fined her instead."

### **Election HQ of Republic Party Raided in Kvareli**

On May 10, 2008, the election HQs of Vano Lomidze, single mandate candidate from Republic Party in Kvareli District in Kakheti Region was raided in the village of Akhalsofeli.

Representatives of the Election HQ had their party's flags and banners ripped up and other equipment in the office was deliberately vandalized. It was also reported to Human Rights representatives that the headquarters of opposition MP candidate Giorgi Benashvili, of the Dedoplistskaro district, had his banners and posters and election materials torn to pieces as well.

Republican Party members consider the incident to have been somehow connected with the visit of leading candidates on the election list of the National Movement party. They had visited Kvareli earlier that same day. "Our supporters asked critical questions to the leaders of the ruling party and they became irritated with the situation. As soon as they departed, local members of the National Movement took out their revenge on us," explained Mzia Khutuashvili, a party member.

It was also asserted at the time that a criminal case was to be launched by officers of the Kvareli Police department. However, the members of the Republic Party had little faith in the outcome of any pending investigation. This is no surprise, as it was later learned that Zaza Gelashvili, single mandate candidate of the ruling party in the Kvareli district, is also the former head of the Kakheti Police Department.

## Local Stations Block Single Mandate Candidates from TV

Merab Katamadze, single mandate candidate of the Republic Party in Akhmeta District, told HRIDC that as a consequence of the intervention of local authorities, two Akhmeta district TV Stations refused him the opportunity to air his pre-election campaign advertisements.

Katamadze reported that despite the amount of time that had past since the TV station had been requested to provide this opportunity in a written form, the local cable TV Company “Kakheti” had postponed the release of the text supporting the candidate in subtitles for two days. Finally on the third day of when it was to go on the air, the broadcast was suddenly cancelled and without reason.

However, “It the station later claimed that the delay was over technical problems and it would take at least two weeks to resolve the problem. The station’s staff from Akhmeta TV refused to broadcast any of his pre-election campaigning materials. It was told that an attributing factor may have been linked to the history of the TV Company and the nature of its establishment. The TV station was founded by the District Administration and the justification provided was based on budget problems, as no financial resources to pay for pre-election campaign broadcasts was allocated in the budget. However, in spite of this claim, TV Company Akhmeta actively aired meetings of Petre Tsiskarishvili, a single mandate candidate from the ruling National party,” explained Katamadze.

The candidate from the Republican Party also claimed that local authorities suppressed various media sources upon direction of Koba Burkiashvili, a district governor. However, in spite of the allegations, the governor denied being part of such serious violations.

Furthermore, the administration of local TV Companies denied the accusations of the single mandate candidate. Davit Bagauri, the owner of the cable TV Station “Kakheti” told media representatives it would take nearly two weeks to be able deliver equipment from located Ukraine, which was needed to provide subtitles on the TV channel. Fati Turkiashvili, director of the “Akhmeta TV” then told that the TV Company was actually founded by the district administration and they were unable to decide anything on their own or without receiving prior consent from the top.

“In addition, they claimed that that they didn’t have journalists who were able to carry out the required work. They were told that “we mostly transmit programs that are produced by Rustavi 2. However, this is not always the case, as there are instances when we air our own produced programs, but this is limited at this time. Nonetheless, we do not prepare news programs at all. We simply don’t have the technical and human resources available to perform such activities,” stated Turkiashvili. He added that they have already broadcasted several items that demonstrated the activities of Petre Tsiskarishvili’s pre-election campaign



## **Sighnaghi Police Hassles Opposition Party Members of Election Commission**

Sighnaghi police arrested Besik Khataishvili, commission member of the Bodbishkhevi election district in Sighnaghi Election Precinct in early May, as well as arresting a representative of the Republican Party. Tengiz Bezhashvili, lawyer for Khataishvili, reported that police detained his client at the personal request of Tamila Dzmanashvili. Dzmanashvili is also the head of the Union of Sport Service Departments in the Sighnaghi District Administration. A suit was brought against a former employee working in same department for personal insults, as it is stated in the administrative appeal. Tengiz Bezhashvili demanded to be provided documents that would have justified his dismissal.

Besik Khataishvili was running the boxing division of the Sport's Department. He was discharged from this position on April 5, 2008. Khataishvili then stated that the real reason for the dismissal was that he was a member of the Republican Party. However, based on current Georgian labor legislation, Khataishvili had the right to take his dismissal claim to court and demand that his position be reinstated. He explained, "I visited Tamila Dzmanashvili at the office on May 5 and asked her for a written document about my dismissal but she refused. I then categorically demanded that she provide the requested document but she still refused. I told her that she was breaking the law and how I was going to take her to court. However, she only laughed at me. I immediately left the office. Soon thereafter the police became involved. Dzmanashvili told them that I had insulted her, cursed or said something that was not to her liking. Other employees also backed her up her story; law enforcers then proceeded to arrested, and on that very same day. The police interrogated me and accused me of having committed a crime," described Besik Khataishvili.

Zaza Khataishvili, a single mandate candidate from the Republic Party standing for political office in the Sighnaghi district told how local authorities and the National Movement, with the support of the local police, had terrorized his political supporters. He said that this was because the village of Bodbishkhevi had been one of the difficult election districts in earlier elections held in the Sighnaghi election precinct, as it had not supported the government.

As it was now clear, authorities had been unable to win Khataishvili over with bribes or other indirect methods. Another option was settle scores take with indirect methods. Now he would be labeled the status of a criminal suspect, which will enable the ruling party to exert maximum influence over him. Zaza explained "if I would put up resistance to them then I would be arrested, tried and found." In this matter a criminal case was launched under the Georgian Criminal Code, Article 239, Paragraph I and a one-year-prison sentence is possible.

## **Candidate from Opposition Party Unable to Rent Office Space**

Despite every effort, Zaza Abashidze, single mandate candidate from the United Opposition in Gurjaani District, was blocked from renting office space in the centre of the town for his election campaign. Zurab Kandelaki, the head of the party's election HQ reported that they had negotiated to rent office space with a number of people. In spite of repeated efforts, everyone we contacted refused to rent us office space. "Officially they did not say anything as for their refusal. Later, however, in private talks, they told us that the local authorities had warned them that they would have problems with police and/or the tax department to do any business with us. It would be better, as advised by the authorities, it was highly recommended

for them to not rent out their office space to us. As a result, no place for Zaza Abashidze's election HQ could be located, and he was only to open an office in the regional office of the New Rights Party," explained the respondent.

The Human Rights Centre asked Giorgi Botkoveli, the head of the Kakheti regional HQ of the United National Movement and Irakli Kadagidze, the head of the Kakheti Police Department to comments over the allegations where opposition supporters had been repressed, and the Election HQ of the Republican Party in Kvareli was raided. However, Botkoveli denied all claims and Kadagidze refused to comment.

## **Tbilisi Prosecutor Involved in Blatant Violation of Election Law**

Gurjaani Election Precinct # 12 registered Giorgi Ghviniashvili from the United National Movement as a MP candidate through the majoritarian (single mandate) system and as a result, the Georgian election law was violated. The Georgian Election Code established requirements where certain allegations must be first considered by the Central Election Commission, and that Ghviniashvili had not followed procedures. He failed to provide proof of having resigned from his job to the Precinct Election Commission, as he did not supply supporting documents that showed that he did not work at the same time in the office of the Tbilisi Prosecutor.

As stipulated in Article 94, Paragraph I-“p” of the Georgian Election Code, within “two days of a candidate announcing his aspirations for political office – and in this instance, as an MP running for political office at the national level, the law requires that a notice be submitted to the appropriate election commission. Concurrent office holders are obligated to resign from their positions.” According to paragraph II of this Article, a “corresponding legal requirement that the resignation was actually made should be immediately submitted to the controlling election commission at the district level – and if not, the person shall be refused the right to be registered as a MP candidate, or if this person has already registered, the paperwork in support of standing for political office shall be then annulled.”

Despite the clear requirements under the law, Gurjaani Election Precinct #12 failed to follow legal procedures and registered Giorgi Ghviniashvili as a political candidate running in the elections. This constituted a major violation of the election law because he continued to work as a prosecutor at the same time.

“In response to such grave violations on the administrative level, only one member of the election commission, Nana Jadugishvili, who represents the Republican Party, took exception to this instance regarding Ghviniashvili and refused to register him as a candidate. She provided the necessary legal arguments for her action. However, all her efforts and to do what was required by law and under her responsibility were made without achieving the desired results,” said Zurab Danelishvili, representative of the Republican Party to the Gurjaani Precinct Election Commission # 12.

Nana Devidze, regional coordinator of the International Society for Fair Elections and Democracy, also attended the same commission meeting that discussed the registration of various political candidates.

“I learned about the meeting by chance because there were no notices posted. Moreover, the commission also did not take the time to inform me about the meeting. It now appears that interested stakeholders were not allowed to attend the session in order to determine whether or not the commission had actually considered various legal issues. Naturally it would have been better if members of the commission had been professional in their relations with representatives of political parties, NGOs and journalists. Each reporter had only two minutes to make a short speech. However, if this person was in the middle of making a statement, they were not even allowed to finish their sentence before being cut off,” said Nana Devidze.

Natalia Begashvili, the chairperson of the Gurjaani Precinct Election Commission # 12 did not comment about this situation. She also did not allow her deputy, Zaza Kvirashvili to speak with representatives of the Human Rights Centre on the subject.

Andro Shinjikashvili, representative of the CEC to the Gurjaani Election Precinct demonstrated aggressive behavior over election-related issues. He also did not want to comment about the complaints of election observers. Later, however, he made a statement and explained that commission members had not actually violated the law. He said Ghviniashvili was included on the election list of the United National Movement and that he had already submitted the required resignation letter to the CEC within the stipulated period of time.

According to the Article 2 of the CEC Resolution # 19/2008 dated by April 6 2008 “immediately after the MP candidate provides the CEC with certain documents or notifications, the CEC shall send all necessary documents to Precinct Election Commission (PEC).” Despite the resolution, the Precinct’s Election Commission had not received the resolution from the CEC that should have addressed the resignation of Giorgi Ghviniashvili from the position of Tbilisi Prosecutor.

Zurab Danelishvili later told that they intend to appeal against the PEC at the CEC and would even resort to formal court proceedings. Danelishvili does not exclude the possibility that Natalia Begashvili would provide the required resolution about Ghviniashvili’s resignation in combination with an earlier dated report of the commission’s meeting that was held on April 24. Observers from various NGOs also concur with the allegations of the Republican Party and its members allege that election laws had been grossly violated.

Begashvili is also thought to have been responsible for falsifying many documents during the snap-Presidential Election of January 5, 2008. It was alleged at the time that she was very well experienced in how to do such things. Naturally the possibility could not be excluded that she would again resort to forging or fabricating election documents. It was told that she showed a total sense of impunity as she understood that she would not be held accountable for any of her actions. Moreover, she might even be honored for her deeds. Several criminal cases were instigated as a result of such violations, as observed during the Presidential Elections, However, Begashvili has never been interrogated as a potential witness,” as reported by representatives of the Human Rights Centre.

Nonetheless, it is clear from the statements of lawyers that the alleged violations so evident that Ghviniahsvili's candidature should have been removed from the official ballot.

Torsten Derik and Severin Chapaz, long-term observers of the Observation Mission of the OSCE, Organization for Security and Cooperation in Europe, Democratic Institutions and Human Rights Office, were informed about the registration of the commission members who were under a cloud of suspicion. It was noted during follow-up discussions with local observation organizations that they would study the situation in detail.

## **Republican Party Speaks about Repressions in Kutaisi**

Resignation letters were written on the behalf of the Election Chairperson, and the circumstances raised questions when a draft letter suddenly appeared on his desk at the headquarters of the Republican Party in Kutaisi on the morning of May 8, 2008. Republican members of district election committee were soon informed that Vladimer Nakashidze had submitted a written resignation.

As reported, "instances of committee members' faced with repression and threats were on the increase with each passing day. "They come and proffer their resignation letters and they don't hide that their decision to resign was not freely theirs but made under coercion. [...] it is those who don't like normal political processes who forced us to resign". As one respondent noted, "even when I asked why, they could only say that was because the chairperson of the district election committee had pressured them – and they had no choice in the matter; it is the government's policy to force people to resign.

I really feel sorry for those individuals who had to write a letter of resignation with tear filled eyes; it has been these people that have really been threatened, They are now just too afraid to divulge any additional details", stated Vladimer Nakashidze, a single mandate candidate, and who was the chairperson of a political organization based in Kutaisi.

Manana Leshkasheli, Eka Tvildiani and Leila Makharoblidze, members of the 77<sup>th</sup> and 83<sup>rd</sup> district election committee, were threatened by the police. They were told that if they do not leave their job --- how things would turn out bad for them. The district where they were assigned as committee members is mostly inhabited by refugees and IDPs.

"You know that refugees are a serious resource of support for the current government in elections. Government officials do their best to neutralize committee members whose loyalties may be under question. Akaki Bobokhidze, the former governor of Imereti Region, who is a single mandate candidate of Kutaisi, is responsible for controlling the structures that are involved in repression. He deals with local police and Georgian security services. The system is even tenser now than it was during the January 2008 presidential elections. It will be necessary to hold these people responsible under the criminal code following the parliamentary elections. There are two types of violators involved, and they should be held accountable to the law: the ones who give the orders and for those who followed such illegal orders. Those responsible should not think that they will be able get away with these kinds of violations," explained one respondent.

Leila Makharoblidze who refrained from making any public comment, served as a committee member during the snap-presidential elections as well. As Nakashidze explained, one commission member, Leila Makharoblidze had some serious problems with the chairperson during this same timeframe. There were too many family connections, and she just happened to be the mother of the chairperson of the district municipality board chairperson's mother and she is also a supporter of the ruling National Movement.

Vladimer Nakashidze: "The District governor came to Leila Makharoblidze and asked why she decided to become a member of the Republican Party. He proceeded to advise her to give up membership in the opposition party and in return he would even give her a personal mobile phone number so that she could ring him up. The police representatives then came to her at home the very next day and announced that a TV-set of the LG brand in her home had been stolen by her son. Regardless of the serious allegation, they only found a Sony TV set, not a LG one. The much sought after TV set is still missing.

There is always the possibility that police will somehow learn about people's political orientation and take appropriate measures. The police are known for even asking voters openly as to whom they wanted to vote and asked them to write down their telephone numbers. The government now finds itself in a tight situation, as at this time it sees no other way out that it can honestly win the parliamentary election. Moreover, it is clear that regional election committee members will do nothing about such acts on the part of the government and its enforcers."

Another respondent, "Regional election committees are not in the position to do anything in response to such allegations. The "Republican party" has not officially lodged any complaints over the above-mentioned circumstances. Resignation letters of committee members should only be written on the behalf of regional committee chairperson instead of Chairperson of the Republican Party. Committee members are election administration officials and they should follow the legal instructions as the rule of how to work. They receive their salaries from the CEC budget and they should properly perform their jobs. Some committee members even intentionally go to election districts and make every effort to provoke senseless arguments," explained Avtandil Osepashvili, the chairperson of Kutaisi 59<sup>th</sup> district election committee.

## **Black List of Voter Riggers: Giorgi Mosidze Pointing-the-Finger**

Giorgi Mosidze, a single mandate candidate from the United Opposition in the Gori District began his interview with the Human Rights Centre by saying that the government intends to carry out elections in the Shida Kartli Region with the support of criminal elements. Mosidze spoke about the policy where inmates were released from prisons earlier than their sentences. This was done to gain the support of their friends and families. In return the National Party expects that appreciation will be demonstrated at the ballot box in supporting the lists of candidates from the ruling National Movement.

Giorgi Mosidze also told how a candidate from the National Movement had refused to take part in a scheduled political debate Lado Vardzelashvili, the Regional Governor, was ready to debate with him. It is nice to see that the central media have ended their boycott against the United Opposition, which is something that is rather odd in the history of world political activism. As for the upcoming parliamentary elections, we feel that there will be widespread vote rigging, which will be the same as was the case in the presidential elections of January.

In cooperation with the OSCE Observation Mission, we jointly complained about the way that commission members were registered with the Gori Precinct Election Commission. Evidently, they went and elected the same people as chairpersons who were on earlier commissions. These are exactly the same people that had rigged the presidential elections. We have since learned that officials from the Regional Police Department and Security Department and they had actually met with the chairpersons of the various commissions. They would ask them how many votes they would be able to collect in favor of the ruling party. Chairpersons have been ordered to provide concrete result in terms of what they would do in order to secure 70 % of the cast votes for the National Movement.”

Mosidze warned at the time to each and every chairperson of the local elections commissions in Gori District that rigging of election results is covered under the Criminal Code and he concretely named those that he believed to have been professional riggers in the Gori District.

Gori Election District # 2-Sofio Iremashvili, the chairperson;

Gori Election District # 4-Givi Sadaghashvili, the chairperson;

Gori Election District # 13-Laura Nadiradze;

Gori Election District # 17- Tamar Papitashvili;

Gori Election District #18-Maia Toliashvili;

Election District # 48, village of Karaleti-Lia Bochorishvili;

Election District # 49, village of Karaleti -Eter Gogiashvili;

Election District #50, village of Garejvari-Aleksi GHolijashvili;

Election District # 52, village of Karbi-Ioveli Tsimakuridze;

Election District # 54, village of Mejvriskhevi-Nikoloz Alkhazishvili;

Election District # 56, village of Zerti -Lela Tielidze;

Election District # 63, village of Meghvrekisi -Maia Darbuashvili;

Election District # 67, village of Kvakhvrelidze-Davit Mechitishvili;

Election District # 73, village of Kvemo Khviti-Tamaz Maisuradze;

Election District # 77, village of Kitsnisi-Zakaria Koblianidze.

## **MP Candidates Bribing Voters**

Bribing voters is prohibited by both the Election and the Criminal Codes of Georgia. However, candidates for Majoritarian MP, mostly from United National Movement openly provided presents to voters. Similar acts have been documented by local and central TV companies, and it became a common practice. However, in spite of the legal ramifications, no criminal cases were ever opened.

Levan Bezhashvili, Regional Governor, introduced Petre Tsiskarishvili, the candidate for MP to the residents of the Akhmeta District. Within the Pre-election campaign Bezhashvili and Tsiskarishvili provide those living in the Pankisi Valley a bus that would enable the locals to travel to neighboring districts. In addition, the passengers would only have to pay a mere 30 tetri instead of the previous high price of 2 GEL for the same level of service.

Like Tsiskarishvili, Gia Arsenishvili, a candidate for MP in Telavi District from the United National Movement, also provided the locals with a bus service. Former State Minister during Shevardnadze's presidency visited the village of Kondolo in Telavi District along with local authorities. They traveled to the village by bus and then presented free tickets for municipality transport for mothers with many children, as well as to blind people. At the conclusion of the meeting, Gia Arsenishvili asked the villagers to vote for him and he promised that the village would be supplied with gas in exchange for their election support.

Wells for drinking water were also dug in several villages in the Kvareli District. The money was directly allocated from the district budget. Candidate for MP, Zaza Gelashvili along with the district authorities also attended the meeting with the residents from the villages of Gavazi and Sanavardo. Potential voters were promised that the wells that were being dug were because of his initiative. He told them that if the villagers would vote for him in the parliamentary elections, then he would make sure that every village under his responsibility would be supplied with a source of clean and safe water.

On April 26, Nugzar Abulashvili, a candidate for MP from the leading party, gave ethnic Russians living in the village of Ulianovka candy and other presents for the Easter Holiday. Several days earlier, on behalf of candidate Baadur Baidoshvili, a representative of the district authority to Ulianovka distributed ten kilos of wheat to locals from the villages of Magharo and Ulianovka.

Such charity and good deeds raises the question as why the distribution of food products and the provision of a bus cannot be placed on the same level as outright vote buying? The Human Rights Centre asked this question to Lela Taliuri, the head of the Telavi Office of the Young Lawyers' Association.

"It is important to note that our legislation prohibits such activities. If a candidate breaches the conditions of the law, the Election Code states that such a candidate shall not be allowed to be registered, and under those instances where the officer seeker is already registered, it shall be cancelled," explained Lela Taliuri.

Article 73, paragraph IX-"a" of the Georgian Election Code states: "election subjects and their representatives are forbidden to personally, or through intermediaries, pay money to voters, provide gifts and other items of material value, and/or to sell them goods or commodities at privileged or discounted prices, and/or to supply free-of-charge or disseminate any goods, except for the public relations materials as allowed under Georgian legislation. It is also a prohibited act to create interest of voters by making promises of future payments, benefits, or to problem them with items of material value."

According to the same Article, paragraph 9, "election subjects and their representatives cannot carry out personally, or through another any of the activities prohibited under Article 73, Paragraph 9, registration of the election subject is cancelled by court decision." Lela Taliuri states that the above-mentioned illegal activities can serve as the basis for not registering an MP candidate or annulling his/her current registration. Moreover, if the fact can be proved, the campaign bid of an election candidate can also be voided from being able to stand for political office. In this case the candidate represented the "United National

Movement – For Winning Georgia” and the demand could have been made to forfeit the official registration of this candidate.

On April 22, 2008 The “Georgian Young Lawyers Association” (GYLA) lodged an official appeal to the Tbilisi City Court and demanded the abolition of the registration of the “United National Movement – For Winning Georgia”. On April 24, 2008 the court passed its verdict, and addressed that despite

Paragraph 9 of Article 73 of the Organic Law of Georgia “Election Code of Georgia” that the transferring of money, presents or other valuable objects to the citizens of Georgia is forbidding.

However, in its decision the court considered that this law is only intended to impose restrictions under circumstances where the transfer was specifically intended to win votes and gain the continued support of citizens. In this case the court decided that the provision of inexpensive souvenirs could not be considered as activity that demonstrates a candidate’s attempts to win in the parliamentary election.

The lawyers of GYLA appealed the verdict of Tbilisi City Court in the Tbilisi Court of Appeals. However, the TCA board did not change the initial verdict passed by the TCC. Nonetheless, bribing voters is a felony under Article 161 of the Georgian Election Code. A one year term of imprisonment can imposed as a penalty. However, the Georgian Ministry of Internal Affairs explained that not a single case has been presented for criminal investigation.

## **Political Squabble at Telavi University - Police refused to investigate hooliganism of National Movement Members**

Despite repeated demands of the non-governmental organizations and information that has already been distributed by media sources, the Telavi Department of the Georgian Ministry of Internal Affairs has not opened a criminal investigation over an incident back on May 7, 2008 at Telavi State University. Lecturers and students of the university were meeting with leaders of the United Opposition in the university’s conference hall. Suddenly activists of the National Movement, the ruling party, rushed into the hall and attempted to break up the meeting. The activists were making recriminations and cursing Levan Gachechiladze, Salome Zurabishvili, Koba Davitashvili, and Fikria Chikhradze, as well as other leaders of the United Opposition. The ordeal continued for at least 20 minutes.

The incident started when Nukri Kantaria, a member of the “Georgian Academy” was making a speech. He had requested the audience to support Fikria Chikhradze, a single mandate candidate of the United Opposition in Telavi in the upcoming parliamentary elections. Suddenly, several young men rushed into the hall and began shouting. One of them, holding the National flag in his hand, shouted: “Who allowed the opposition to hold meetings in Telavi?!” They also proceeded to curse voters, even threatening those who had gathered. They told the group how they would inform the administration of the local election HQs of the National Movement, and make a list of those in attendance. The situation became so tense that both the supporters of the opposition parties and the ruling National Party started to argue with the uninvited intruders.



Levan Gachechiladze, the leader of the National Council of the United Opposition, tried to diffuse the situation by approaching the activists of the National Movement and held out a Rose to them instead of the National flag.” He told them that this flag does not only belong to the National Movement, as it is a flag for all Georgian citizens.”

Several minutes later the political “fighting” continued in the corridor of the university. Farna Makashvili, Imeda Kevlishvili, Davit Tushishvili and other members of the ruling party stood their ground and were not intimidated by the leaders of the United Opposition and their supporters.

“Having failed to restrain the members of the National Movement, we contacted Gia Papunashvili, the head of the Election HQ of the ruling party in Telavi and asked him whether or not he had received any information about the alleged incident. He told that he was in front of the university and told that he had actually sent those people to the meeting,” explained Nika Vardoshvili, a supporter of the United Opposition.

Youth from opposing parties even suffered some injuries. The head of the Election HQ, Gia Papunashvili also arrived at the scene. However, in spite of his presence, no effort was made to calm the situation. Levan Gachechiladze and Father Mikael, a priest from the Telavi Church, had both attempted to separate the conflicting parties and bring about calm to the situation.

Levan Gachechiladze, the leader of the opposition, later stated that activists from the ruling party had prevented them from being able to carryout a peaceful and normal pre-election campaign.

“This incident was organized by the ruling party. People should not be harassed just because of party sympathies,” responded Gachechiladze, who then turned his attention on the tense pre-election situation that existed in the Akhmeta District. He recommended to the head of the Akhmeta Police Department, as well as to the District Governor that they should bring an end to tactics of political terrorism and the repression of voters and their rights. Fikria Chikhradze then promised the representatives of the ruling party that he would leave Telavi only after the “district would be set free from violence and fear.”

The incident was broadcasted on the same day by various TV stations. The lawyers considered the incident to have been criminal and demonstrating characteristics of political hooliganism. Moreover, they told that those responsible should be criminally charged. And specifically, the Telavi Police Department should open a criminal investigation into the matter. NGO representatives also demanded that an investigation be opened. However, the police chose not to investigate.

## District Governors Run Election HQs in Kakheti Region

The Georgian Election Code requires that public officials from state and local public agencies cannot take part in the pre-election campaign, and especially at such times when they are carrying out their public duties. According to the same code, high-ranking officials from the local governmental agency must not use their position to support any one candidate or party over another during the pre-election campaign. Nevertheless, such regulations were not followed. This was clearly demonstrated when district governors were the ones operating Election HQs in the Kakheti region.

Several days prior, Gia Gozalishvili, Lagodekhi district governor, told on local TV Station that he had been put under a great deal of stress as a result of actions of the ruling party, and this was the case as he was meeting locals and making speeches favoring the National Movement. "I meet locals in the district almost every day. I listen to their problems and tell them the National Movement has done much and if the party will be successful in the elections they will be in the position to achieve even more," said Gozalishvili.

### Influence Peddling

**-Mr. Gozalishvili, are you making announcements in favor of the National Movement when you meet with locals?**

-No, I am not; I never made any such a claim. I meet with people and openly express my support for the ruling party and this is only during non-working hours.

**- Officially, working day lasts from 10:00 AM to 6:00 PM. How do you manage to meet people outside of working hours; do you meet them at night or on your days-off?**

- I do not meet them at night but may be I meet them mainly on weekends.

**-But you are public official and according to the law you must not take part in the pre-election campaign.**

-And I do not participate in it.

**-You are accompanying Guram Kakalashvili, a single mandate candidate from the National Movement, together with the director of the Resource Centre and give promises to teachers; how can you explain it?**

-I do not accompany any candidate and neither have I given promises to teachers.

Kakha Labuchidze, Gurjaani District governor, could not deny his participation in the pre-election campaign of the single mandate candidate from the ruling party. He personally introduced Giorgi Ghviniashvili, the candidate, to teachers, personnel of the district administration board and employees of other public agencies in the Gurjaani Culture Centre. The district governor was standing on the scene during one hour together with the candidate and was answering the questions of the people. "I, Gurjaani District Governor, promise you that all problems you raised here will be resolved if you vote for Giorgi Ghviniashvili," said Labuchidze.

Gia Chalataashvili, Sagarejo District Governor, also took part in the pre-election campaign and operates the district election HQ of the ruling party. However, after many complaints, including from the Human Rights Centre, the district municipality board temporarily suspended his responsibilities as a district governor.

One organization that closely monitored the election process in Kakheti Region, blamed Akhmeta, Sagarejo, Kvareli, Lagodekhi and Dedoplistskaro District governors for having violated the Election Code.

“District governors are fully involved in the pre-election campaign. They meet voters along with members of the ruling party. Moreover, governors monitor the activities of the activists of the party. “We were able to get hold of the document from one of the election HQs of the National Movement. In the document district governors are named as heads of the election HQs and their contact information is provided there,” stated representatives of the Human Rights Centre.

They also added that long-term observers of the OSCE Democratic Institutions and Human Rights Office also have similar documents; though they have received them from other election HQ representing the ruling party. Nonetheless, representatives of the Kakheti Regional Election HQ of the United National Movement and Regional Administration categorically deny all allegations.

Giorgi Botkoveili, the head of the Kakheti regional election HQ, reported that district governors do not run election HQs. “Lia Mamagulashvili is the head of Akhmeta Election HQ; Levan Jamalashvili runs the Dedoplistskaro HQ; Gocha Shavgulidze runs Kvareli HQ; Gela Gelashvili runs Lagodekhi HQ; Gogita Sibashvili runs Gurjaani HQ; Rezo Benashvili runs Signaghi HQ; Gia Papunashvili runs Telavi HQ and Gia Chalataashvili runs Sagarejo

## **Opposition Complains “Unequal Conditions” in Gori**

Locals had predicted early that pre-election campaign among the candidates of majority membership of the parliament would be very tough. The opposing sides of the National Movement and United Opposition was added with yet a third side, Jumber Patiashvili who also will be participating in the balloting. The added Patiashvili’s factor had turned everything upside down in Gori. Local authorities were at lost how to act under the circumstances. The election HQ of the leading party works very hard and puts in overtime in trying to land on its feet, and there were many layers and networks involved in local elections.

The government first suspected that the main opponent from the side of the United Opposition would be Teo Tlashadze, a supporter of Irakli Okruashvili, former Georgia Minister of Defense. However, the dynamics of the situation soon changed, and the ruling party was further disappointed that Tlashadze decided not to stand for political office. Levan Terashvili, another candidate, who had been an advisor to Irakli Okruashvili in various spheres. While Gori residents expected Tlashadze and Terashvili to start quarreling in the election HQ of the National Council as who would come next, the United Opposition introduced Giorgi Mosidze as its candidate in Gori. Mosidze’s father has been the leader of Gori Musical Choir and he was closely linked to the Gori district.

On April 22 the United Opposition officially introduced their candidate to voters in Gori. Giorgi Mosidze, one of the leaders of the New Rights, was shared with potential voters as their candidate in the upcoming parliamentary elections.

Mosidze stated in the HQ several days before the introduction that the authority intended to win the elections in Gori with the support of the police. It means that the law enforcers intended to put pressure opposition activists and members of parties that did not support the government. Zurab Chinchilakashvili, Deputy Regional Governor, reacted to Mosidze's statement and called them as totally absurd.

As for Jumber Patiashvili, reportedly he was introduced after the "Entrepreneurs" created an alliance with his political movement "Ertoba". Patiashvili then became a majoritarian MP (single mandate) from Gori and was Irakli Okruashvili, being elected as majority MP back in 2003; he even refused to enter the parliament and joined with executive government.

The Patiashvili's factor had a major impact on Gori's political space, which was at the expense of the "National Movement" and which at the time, had wanted to present its own candidate. In 2004, it was also claimed that they wanted to offer Gogi Mchedlishvili from "Burjanadze-Democrats" to Gori population. However, Okruashvili insisted on naming Jumber Patiashvili in Gori. In doing so Okruashvili paid Patiashvili back for the kind deeds that had been afforded to him.

Non-governmental organizations place emphasis on the unequal conditions that exists between the parties. For example, the working group of the Georgian Young Lawyers Association (GYLA) published a report dealing with observed violations in the pre-election campaign.

GYLA observed that public officials-Zaza Gorozia, Samegrelo-Zemo-Svaneti Regional Governor, Levan Bezhashvili, Kakheti Regional Governor and Ramaz Nikoleishvili, Guria Regional Governor, participate in the pre-election campaign, which is totally against the law. They introduced the candidates standing for majority membership in the Georgian Parliament to local voters.

Giorgi Chkheidze, the chairperson of the GYLA explained how Article V of the Georgian General Administrative Code had been violated. According to mentioned article national or local governmental officials do not have right to participate in pre-election campaign while they are carrying out their professional duties. "We conclude that regional governors did in fact take part in pre-election campaigns by introducing the candidates to potential voters. Moreover, they expressed their support for such candidates," said Giorgi Chkheidze during a recent briefing.

## **Detained Election Commission Members Intend to Apply to Strasbourg Court**

Zaza Khatiashvili, single mandate candidate from Republic Party in Signaghi District and lawyer Tengiz Bezhashvili held a press-conference at the Human Rights Centre's Kakheti Office on May 16. Khatiashvili stated that he intends to appeal to the European Court of Human Rights in Strasbourg against the detention of Besik Khatiashvili, member of the Bodbiskhevi District Election Commission and member of the Republican Party.

Reportedly, Signaghi police arrested Khatiashvili based on request of Tamila Dzmanashvili, the head of District Sport Department for yet a second time. Dzmanashvili then blamed him for verbally insulting her and as she wrote in her statement to police that Besik Khatiashvili demanded document on his dismissal and he had insulted her.

Based on official data, Khataishvili was running the boxing division in Sport's Department. He was discharged from this position on April 5, 2008. Khataishvili stated that the reason for his dismissal was his membership in Republic Party. However, based on the Georgia Labor Law, Khatiashvil had right to appeal to the court with the demand to be restored to his former position until May 7. "Consequently, I visited Tamila Dzmanashvili at the office on May 5 and asked her to provide document on my dismissal. However, she refused. Then I categorically demanded for her to provide the requested document but she then refused for a second time. I explained to Dzmanashvili that she was breaking the law then I departed the office. Soon the police were involved. Dzmanashvili stated to the police officers that I had insulted her, cursed or said something like that was not to her liking. Other employees also confirmed her testimony. Law enforcers arrested me on the same day and then proceeded to interrogate me and even accused me of having committed a crime," said Besik Khatiashvili.

Tengiz Bezhashvili, the attorney, stated that Dzmanashvili's husband was interrogated at the trial as a witness who works as a driver at the Signaghi District Sport Department. Zaza Khatiashvili stated that the judge passed illegal order and they will appeal to the European Court.

Zaza Khatiashvili also mentioned that he is not allowed into the public schools to meet teachers during his pre-election campaign because of the order of the ruling party.

Tengiz Bezhashvili pointed out that detainee is placed in the pre-trial detention isolator and he wants to meet his client, though he is not allowed. "Based on groundless testimonies of four policemen I was arrested not long ago and fined 100 GEL. As far as I know they intend to do the same now and I will do my best to avoid visiting the police station," said the attorney.

The attorney added that local authority and National Movement terrorize supporters of the Republican Party. "Bodbiskhevi Election District is one of the most complicated districts in the Signaghi Election Precinct. They could not do anything about Besik Khatiashvili, they could not even get a bribe from him, and they tried to punish him using such a method," said Bezhashvili. According to the Signaghi District Organization of the Republic Party, during the Presidential Elections on January 5 2008 Mikheil Saakashvili gained more votes at Bodbiskhevi Election District than were the actual number of voters who cast their ballots.

## Precinct Election Commissions Members Forced to Resign

Personnel changes were carried out in the Election Precincts where, during the Presidential Elections on January 5 2008, the presidential candidate from the ruling party failed to gain a convincing victory by a wide enough margin; those Precinct Election Commissions were also blamed for having rigged the election results. PEC members were unable to stand up to the heat of district governors, heads of police departments and prosecutors. Consequently they had no choice but to submit their letters of resignation. In addition, the chairperson of the CEC fired commission members who did not obey what was otherwise an illegal demand.

Personnel changes were carried out in several regions of Georgia, and it is mostly reflective of those commission members who paid the least attention to the violations observed during the elections. Zurab Daneilishvili, former members of the Gurjaani PEC # 12, spoke why the members of the PEC were fired and who were involved in the decision and why they were forced to give up their jobs.

“There were several serious instances of vote rigging observed in the Gurjaani PEC during the counting of the results of the Presidential Elections back on January 5 2008. The violations took place at Kardenakhi Election District # 33 and at the Vachnadzeani Election District # 6. Zurab wrote his recollection of the violations and enclosed to the final report of the PEC, which was done according to the Election Code. It was the submitted to the CEC, and even the Georgian Public Defender became interested in those alleged violations.



## **Former PEC members, who were terminated, demonstrating in front of the DEC building in Gurgaani, Human Rights Centre Photo**

Mr. Danielashvili, “I was at a meeting where the request of the Public Defender was to be discussed. Upon questioning over I had witnessed I listed blatant violations that were observed in the districts. Consequently, Levan Tarkhnishvili, the chairperson of the CEC, his deputy and Gizo Mchedlidze, secretary of the CEC became especially irritated. Members of the CEC would not allow me to fully describe all the violations. I was then expelled from the meeting, during the process they were shouting to the guard and he was ordered to physically drag me away. However, I did not put up any resistance and left on my own accord.”

“Later I learned that CEC had administratively fired me, and the period of my employment was less than what was stipulated under my employment contract. The legal basis for the decision was based on a claim that I had blatantly and systematically breached a standing order. In fact, the administration of the CEC could not tolerate that I, despite their repression, even had the nerve to speak up about violations observed during the elections.

**- Mr. Danielashvili, As far as we know, you have appealed against the CEC decision at the court and you request to re-appoint you to your position. What did the judge decide?**

- As I have already mentioned, I did not break any rules. Even though things happened as I described, the CEC had to pass resolution on my resignation within five days, which is based on Article 21, Paragraph III of the Georgian Election Code. However, the commission did not follow the law. Tamar Shushiashvili, judge at the Administrative Case Collegium at the Tbilisi City Court, stated in her decision that was passed on February 8, 2008 that “five day term was breached but it was not the kind of violation that would have impacted the final decision that was concluded in this particular case. Basically, the judge failed to satisfy my appeal.”

**- How were you violated and who repressed you?**

- On the next day of the elections when I learned the final reports of the election districts, complaints of the observers and other documents, I then was able to find many violations in them; I also informed other members of the commission of my observations. Next day, on January 7 Valeri Vardosanidze called me on the phone and introduced himself to me as the Deputy District Governor. He asked what complaints I had regarding the reports from the election districts. I told him that the results of the presidential elections and plebiscite for NATO did not coincide with each other in the reports. The candidates had received more votes than were the actual number who cast their votes. I added that there were some other facts of violations. However, he advised me to keep silent. On the same day my relative visited me and informed me about the demand on the side of the government. I replied to him that clear-cut vote rigging was observed in specific election districts and I would not keep silent. Then MP Ioseb Kardenakhishvili called me soon thereafter and said I could ask him everything I wanted to know. I told the same to the MP claiming the rigging was widespread and it could not be hidden. Kardenakhishvili did not threaten me directly but there can be repression, and it is not necessary to do in a threatening way. I was then called from the police department and prosecutor’s office. However, still I did not change my position.

On January 8, Tamaz Khutsishvili, my former colleague and former worker at the Military Commissariat visited me at my office together with two others. He asked me out to accompany them to their car where we sat and discussed. Khutsishvili then reminded me that he had served a prison term, something that I had not remembered. He then explained to me that he was discharged in exchange for his support to the National Movement. So, if I did not keep silent about the violations, he would be arrested again and return to prison.

**- Did not he tell you had sent him?**

- They indirectly mentioned Tamaz Tsabutashvili, Kakheti Regional Prosecutor. One of the people sitting in the car said he was in total control of the situation. After that, my relative visited me again and he told me that if I did not sign final reports I would have had problems. My son, who is a student, or even me, might be planted with drugs and be arrested. I was told that even worst things may happen. I had to lock my eighteen year old son in the house because of such threats and I did not allow him out for the next week. Afterwards, my wife and I called him once in every half hour to check on him.

**- What do you know about your colleagues, for example, Gia Makhlishvili, Bichiko Maisuradze and others who were also repressed? Reportedly, they resigned and the decision was based on their personal applications.**

- I definitely know that they were also repressed in spite that they do not speak about concrete facts. Finally they had to submit their resignation and give up their positions.

Officials from the Central Election Commission deny the facts of repressing members of district election commission. "Chairpersons of the PEC have not yet applied to us with any specific complaints about being repressed. They only make groundless statements," said Levan Tarkhnishvili.

Kakha Nareklashvili, representative of the CEC, explained that Zurab Danelishvili's accusation about his illegal firing from the job is also groundless and a court of law has also confirmed it.

## **Day of the Living Dead during Parliamentary Elections**

According to Article 9 of the Georgian Election Code, the deadline for making changes into the election lists has already expired. May 9<sup>th</sup> was the last day where changes could have been made to the election lists based on recent court decisions. However, according to the request of opposition parties, the CEC prolonged the period for changes until May 13. According to the most recent data, 3,461, 851 citizens are registered as voters on the election lists. However, in spite of good intentions and many comments of observing organizations, dead people are included on the lists.

Tsiala Lamazoshvili, Guram Mchedlishvili, Tariel Amonashvili and Giorgi Nanichashvili, died in 2007-2008, and are included on the election lists at election districts # 14, 15 of the Telavi Election Precinct # 17.



Natalia Begashvili, chairperson of the Gurjaani Precinct Election Commission # 12, states that they have removed nearly 300 dead people from the list. However, Zurab Kandelaki, the head of the District Election HQ for the United Opposition, told that there are still dead people on the lists. In spite of the claim that those who have died were also removed from the lists last year, the names still appear on voter lists.” How so many dead found their way back to a list of supposedly live voters. Regardless, there are the names of many deceased voters still on the list. For instance, Aleksi Lomidze, born in 1929, and Giorgi Varsimashvili born in 1938, etc,” stated Zurab Kandelaki, and the list of dearly departed voters goes on and on.”

In spite of presented facts, the election commission continues to deny the complaints of the opposition. “The mortality rate in Georgia is high; consequently the commission should look closer at checking the election lists and to once and for all remove the name of the dead from it. However, after May 13 no changes can be made into the lists,” said Begashvili.

Members of the Labor Party also speak out about the living-dead on the voter lists. Soso Shatberashvili, a representative of the party states that their regional representatives provided the regional election commission with the information about several scores of dead voters. “We submitted the list of dead voters to the CEC before the deadline. However, in spite of our efforts, their names could be found on the updated lists. We expect that the same will also happen during the upcoming parliamentary election,” said Shatberashvili.

According to election observation organizations, that unlike the presidential elections, the process to search out and purge names of dead voters from election lists has become a complicated process in the up-coming parliamentary elections. “In the past it was easy to look through the election lists on the website of the CEC. However, now that is impossible. You cannot find a person unless you have his/her personal number based on an issued ID, or have access to his or her Georgian Passport information,” said Ucha Nanuashvili, Executive Director of the Human Rights Centre. Various International organizations also have complained about the reliability and integrity of voting lists.

## **Arrested Election Observer for “Not” Accepting Deal**

Sabir Mekhtiev, an observer from the General-Civil Movement “Multinational Georgia”, who was an active observer during the Presidential Elections in 2008, was arrested. It appears that he was not willing to accept the deal of Aflatun Valiev, representative of the Sadakhlo Administrative-Territorial Unit Board.

On April 18 Aflatun Valiev called Sabir Mekhtiev and offered to stop his active support for public activities and instead to start working in favor of his interests. Aflatun Valiev also promised the detainee to cancel Mekhtiev’s debt of 4,000 GEL in ProCredit Bank. Agit Mirzoev, executive director of the Multinational Georgia, states that during the presidential elections Mekhtiev observed many election legislation violations; he also witnessed the chairperson of the Election Commission personally stuffing a ballot box. Naturally, it would appear that because of his activities that some in the local administration wanted to get rid of him.”

Sabir Mekhtiev was detained over a bad debt he took from ProCredit Bank four years ago for the medical treatment of his four-year-old child. However, after the death of the child, he could not afford or was unwilling to pay off the debt. It is strange that the ProCredit Bank

decided to arrest Mekhtiev for the loan he had taken four years ago, and the decision just happened to be made before the elections. Finally, the reason given for Mekhtiev's detention was that he put up resistance to the representatives of the court in exercising an order. These people arrived at his place on April 18, together with bank employees; they were nearly 25 in all. The aim of their visit was to confiscate property from his house in order to cover the loan. Pakhrat Musaev, the lawyer of the detainee, said that Mekhtiev refused to give them anything because everything in the house belonged to his mother.

Five days later Sabit Mekhtiev was called at the police station and he was accused of armed resistance. Rusudan Mchedlishvili, the lawyer for the non-governmental organization "Article 42 of the Constitution", said that according to the law enforcers Sabit Mekhtaev was charged for his "intention to go to the kitchen to get a knife from there." In this case, it is obscure why he was not arrested on the day of incident, but five days later.

"This person became a victim of a law enforcers' provocation. They just wanted to arrest him and it became grounds for his detention. However, there was no legal basis to detain him because if he really resisted the executors, they should have arrested him immediately. Thus, the reaction should have happened on April 18" and not five days later."

Sabir Mekhtiev is charged under the Article 353, Paragraph I of the Criminal Code (resistance, threaten or violence against the defender of public order or some other governmental official).

"Multinational Georgia categorically protests the detention of the election observer and activities of the law enforcers. The organizations now appeals to the public defender, Georgian society and international community for assistance.

The organization actively monitors the pre-election campaign throughout Georgia and has nearly 500 observers. According to the organization, it is not the only case of control. On April 28 the roof of Karina Bersgian's office, who is a candidate from the United Opposition, was set on fire. Several cases are observed in Kvemo Kartli when school directors and public officials are threatened and further suppressed. They have observed other violations too, such as incorrect election lists, abuse of power by election administration members, faking the vote count, attempted blackmail, and encouraging people to vote in association to the distribution of products and vouchers from the state budget, which is joined together with political statements supporting candidates from the leading in-government party of Georgia.

## ELECTION DAY

The Human Rights Centre has allocated following number of observers on May 21:

- ✓ Tbilisi: 5 mobile observers
- ✓ Kakheti Region: 22 observers (several of them were mobile)
- ✓ Samegrelo Region: 53 observers (several of them were mobile)
- ✓ Shida Qartli Region: 9 mobile observers
- ✓ Batumi: 6 observers
- ✓ Akhaltsikhe: 1 mobile observer

The Human Rights Centre together with the Coalition for Democracy held three press-conferences on May 21. Conferences were held at 12:00, 15:00 18:00 and 21:00 o'clock. Only last press conference that was held at the entrance of Central Election Commission (CEC) received adequate news coverage.

### Election Day Findings

The Human Rights Centre observed fundamental violations of election procedure in the majority the polling stations observed on May 21. Those responsible for those violations were either members of the local or district election commissions or persons with unknown identity. The situation had been tense since morning, with observers of the Centre not being allowed to enter polling stations, despite having accreditation badges officially issued by the Central Election Commission. Even those observers who were admitted to the polling stations were effectively prevented from being able carry out their mandate by members of election commissions.

### Facts of Brutality

By noon the situation became tenser. Several observers reported to have been subjected to verbal abuse. Soon after, facts on physical abuse of the Centre's observers were reported. Mr. Ucha Nanuashvili, the Executive Director of the Human Rights Centre was a victim of physical violence while he attempted to document acts of violence and intimidation at several polling stations in the Kakheti region of East Georgia.

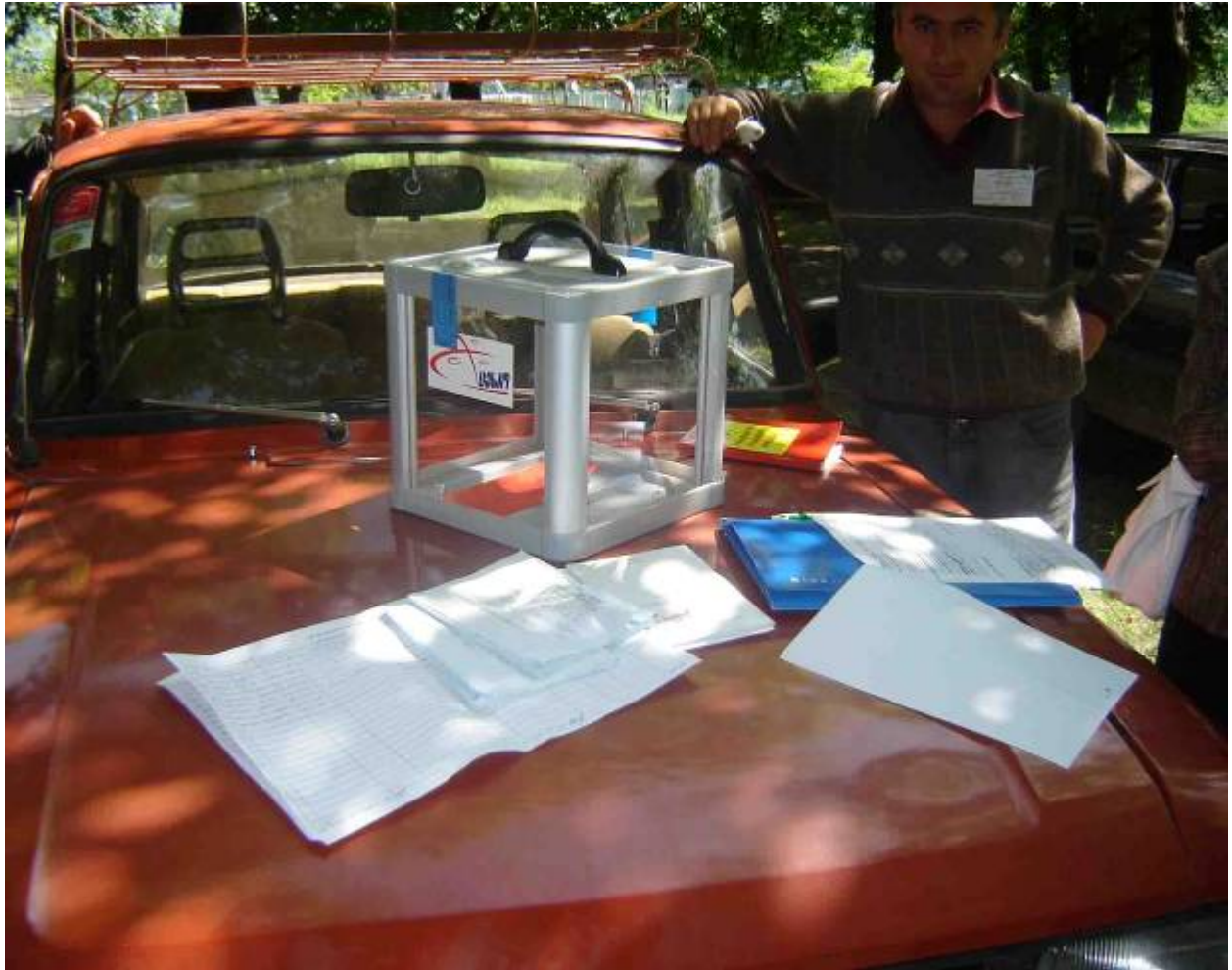
Mr. Nanuashvili had been observing Sagarejo Polling district villages: Iormuganlo, Upper and Lower Lambalo, Tulari and Qesalo. Persons of unknown identity have destroyed the video camera of the Human Rights Centre to prevent dissemination of the footage demonstrating chaos and brutalities taking place in most of the polling stations. A crowd of people tried to stop HRIDC's car that Mr. Nanuashvili was driving from leaving the village Lambalo by blocking the road.

Lagodekhi's 15<sup>th</sup> election district, Kabali's 18<sup>th</sup> polling station the Chair of the Commission Adalat Sardarov and its members physically offended Mr. Gela Mtvlishvili observer of "The Human Rights Centre" who wanted to write a complaint on the fact that election ballots were taken outside the polling station.



**Pictured above, Adalat Saradov, Chairman of the Lagodechi's 15<sup>th</sup> Election District No 18 Polling Station, physically abused Gela Mtvlishvili, the Human Rights Centre's Kakheti Regional Coordinator, when Mtvlishvili was trying to document election fraud, photo taken by the Human Rights Centre Observer**

In addition, the Chair of the Commission was found having 12 summary protocols, all of them filled in advance. After Mr. Mtvlishvil detected this violation, head of commission hit observer with a chair to his head.



**Ballot box from Station # 18 in Lagodekhi DEC # 15 was kept outside the polling station for three hours and people were casting their votes there, photo taken by the Human Rights Centre observer**

High tensions were observed in Upper Lambalo's 36<sup>th</sup> polling station. Poll workers reported various commission member carrying several hundreds identity cards. Gangs of unidentified youth were constantly involved in a range of provocations, including verbal arguments. Several people were beaten by these gangs of youth.

Nugzar Abulashvili and Guram Kakalashvili, the majoritarian candidates of Lagodekhi and Signaghi region, were noted moving from polling station to polling station in the company of a troop of approximately ten people. It was reported that some of the individuals with them had just recently been released from prison. They had entered polling stations terrified commission members as well as election observers. In Signaghi, on Sakobo's polling station, Nugzar Abulashvili with the help of police officers, twisted Nodar Kutibashvili's (United Opposition commission member) hand behind his back and with the application of physical force, expelled him from the polling station. And, in the case of his return, i.e., that if Nodar Kutibashvili would make any attempt to return, and then he would be killed.

At 14:00 about ten drunken men aggressively entered the upper Lambalo's 47th polling station and stuffed several ballots into the ballot box. There are 1069 voters on this district (11 on the special list). At 12 o'clock only 23 voters had voted, at by 1 PM - 24. By 2:00 PM those who had intruded into the polling station had stuffed faked ballots into the box. Concurrent to this incident, several people were severely beaten, which included - Sandro Gagniashvili (Republican Party), Mamuka Masurashvili (Labour Party), and Mamunka Masimov, the Head of the Commission, were active participants in what appeared to have been some close quarters contact fighting. There were some police at the polling station, they too were caught up in the fighting and some suffered injuries.

As a result of the extremely difficult and dangerous situation, the decision was made by the Human Rights Centre to pull its observers out from most of the polling stations in the Kakheti Region by 14:00, which was done as a safety precaution, as it was deemed that its observers personal safety could not be guaranteed.

### **Physically Assaulted Journalists**

The Human Rights Centre observed the same kinds of incidents in the Samegrelo Region. Ms. Nana Pajava, an observer of the Human Rights Centre and acting journalist has become the subject of both verbal and physical abuse, and especially from Mr. Gela Tofuria and Mr. Kakha Kuprava, both representatives of the National Movement. Upon arriving at the polling station No 22 in the Abasha District No 63, Ms. Pajava found out that the station had been closed. After entering the station she tried to find out what had just happened and questioned the local chairperson, who refused to share any information. At this time the above-mentioned National Movement representatives intervened, and as described, their presence resulted in the "undemocratic use" of physical and verbal abuse against the observer representing the Human Rights Centre.

### **Elections in Samegrelo, Cloud of Murder and Unexplained Explosions**

Ketino Gejadze, the Human Rights Centre observer spotted several election violations in the voting precincts # 100 and # 64 of Rukhi village, which are located on opposite sides of the main road. Also, violations were at election station # 67. One of the observers in the precinct # 100 overheard a conversation in the Mengrelian language between the PEC chairperson and the member of the Christian-Democratic Party. The Chairperson had offered the party representative to insert an additional 50 ballots in the mobile "traveling box" and to round that number out with 50 more in the main ballot box. The observer of HRIDC took exception to the information that that was overheard and he then wrote an official complaint.

The chairperson was rather discontent with the observer's complaint and he immediately called the police to intervene. The observer was then forced to leave precinct # 100. A large number of police officers were then mobilized at both precincts # 100 and # 64. They proceeded to apply severe pressure on PEC members, the voters themselves, as well as observers representing various NGOs. There were some reported instances of voting with expired IDs and there were IDs presented that did not indicate any real addresses.

A man was killed in the village of Obuji, Tsalenjikha district at 10 o'clock in the morning. The shot that killed Geronti Katsia is thought to come from a hunting weapon. The daughter of Geronti Katsia was injured in the shooting. Katsia was considered to be the supporter of the opposition parties. Opposition party leaders state that this was actually a politically-based murder.

## **Findings of the Norwegian Helsinki Committee representatives on the Khurcha incident**

On 20 May 2008 an observers team composed of *Ivar Dale, and Aage Borchgrevink, of the Norwegian Helsinki Committee*, went to Abasha in the Samegrelo district (election district #63), and then to Svaneti where they arrived in the early morning of 21 May. Observers stayed in the Svaneti District (Election district #47) and observed opening, voting and counting procedures at 7 polling stations. They also visited the #47 DEC in Mestia, and interviewed voters, commission members, and unidentified "visitors" at the polling stations. On 22 May the team went to the village of Khurcha in the demilitarized zone on the border of Abkhazia, in order to investigate a violent incident that had taken place, which was related to the Georgian-Abkhaz conflict and voters from the Gali region (detailed report provided).

In Abasha, district no. 63, observers received a complaint regarding intimidation of a member of the DEC. Julieta Lomaia, DEC member for the United Opposition (#7 on the party list, who representet Konstantin Gamsakhurdia in the majoritarian elections (single-mandate constituencies) in that district. Ms Lomaia stated that she had received a number of threatening phone calls, which were intended to intimidate her. She shared the observers a recording of a phone call from the number 891276415, which contained a conversation in which an unidentified man swears and shouts in a threatening manner at Ms Lomaia. At about 18.00 on 20 May, observers went to the police station in Abasha to observe Ms Lomaia register a complaint about the incident. The police (MIA officer Mikheil Modebadze) first refused to register a complaint on what seemed like spurious grounds (there was no one there on duty, they did not have paper on which to write the complaint, they could not find an official stamp), but after some time a complaint was lodged and officially registered.

In Svaneti, district no. 47, a strong presence of civilian and uniformed police officers, border guards, heavily armed unidentified Special Forces with masks, and unidentified civilians whom locals claimed were security officers from Tbilisi at the polling stations, were observed. The heavy presence of security and police detachments created an atmosphere of voter intimidation, especially in Mestia, the district centre. The opposition candidate Viktor Dzhabaridze made a number of complaints about how his observers and commission members were being harassed by police and security officers. The security and police were driving around in cars, often without any license plates, some of these same claims were supported by photos and other witnesses, including international observers.

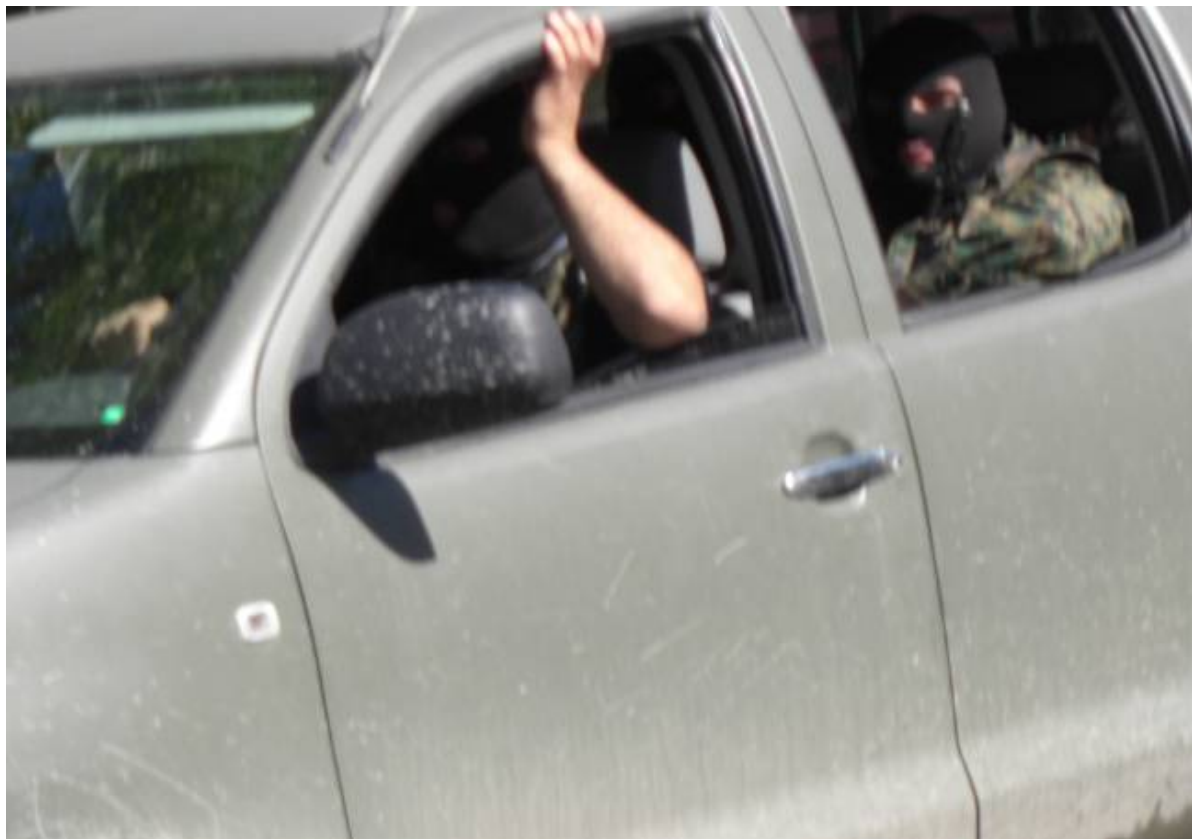
According to the Ombudsman of Georgia, Sozar Subari, who was interviewed by the team on 18 May, pressure was put on local officials, including police officers, to support the government candidates during the election. Allegedly, the head of police made his officers swear on their badges to prove that they would actually vote for the National Movement and its preferred candidates. Khakha Kvitsiani, one police officer refused, and it is alleged that he was then fired from his job. Fortunately, in order to provide verification, such serious

allegations have been confirmed by a police officer from Mestia who was later interviewed the observation team.

Opening of stations went without too many problems. However, things began to get worst as later in the day, and this was especially the case with actual voting and counting procedures. The situation may have been even worst than noted, as there video cameras were not present in the seven polling stations visited by the team. Moreover, not all was could have transpired was documented as observers moved from polling station to polling station. However, in conclusion, although technical procedures were handled effectively by the Precinct election commissions (PECs), the team made a number of observations indicating that the election was carried out in an atmosphere of overall intimidation, which may have greatly impacted voting patterns in the district, not to mention low voter turnout.

### **Specific observations**

At PEC #2 in Mestia there was a strong presence of police and security officers at the polling station. Some were in uniform, some were in civilian clothes (but driving in vehicles of the border police), while a group of what appeared to be Special Forces who were driving a military truck (with the license plate number ZXZ – 342), the passengers were armed with automatic weapons. They wore masks and approached the polling station on several occasions. A man, who appeared to be in contact with several of the police detachments at the polling station, then entered the polling station. Viktor Dzhabaridze, an opposition candidate claimed that the man was actually a security official from Tbilisi by who had the last name of Ochinkava. The man told us he was only a private visitor from Tbilisi. However, he did not explain his presence at the polling premises. There was a tense atmosphere at the PEC.



**Georgian Special Forces parked outside PEC#1 in Mestia, Svaneti during Election Day.**



**At PEC #1 in Mestia there was also a heavy police presence outside the PEC, including a detachment of armed and masked Special Forces. Taken by Norwegian Helsinki Committee Representatives**



**The vehicle carrying Georgian Special Forces wearing masks on Election Day in Mestia, Svaneti. Photo taken by Norwegian Helsinki Committee Representatives**

At PEC #22 some voters were turned away even though they were on the list. The group of people who were turned away was a detachment of border guards stationed in the village of Molakhi. According to one of the border guards, Dzhimsher Margiani, he was told by the PEC chair person he could not vote there, and that he and his colleagues should go in a group to PEC #24 where they should vote all together. There seemed to be no basis in the election law for this procedure, which was upheld by the CEC lawyer Elizbar Joparidze when PEC members from political parties called the CEC. A member of the PEC made a formal complaint about this, stating that this was an attempt to put pressure on the guards to vote for the government candidate. (We later asked the DEC about the procedure, they first claimed that the border guards were registered in lists in several PECs, but then refrained from saying that they had only followed the orders of the CEC.) Only one PEC member went with the mobile ballot box, not two as prescribed by law. There was a tense atmosphere at the PEC.

At PEC #3 observers received complaints from a PEC member about double voting. However, she stopped talking when the other PEC members arrived it was impossible to fully

record her complaint. Two men in civilian clothes identified themselves as “academics” from Tbilisi but they could not explain their presence at the polling station. PEC members did not always check identification documents, and sometimes did not put ink on the hands of voters.

At PEC #4 the Chairperson reported that three people had been turned away as they had ink on their hands. Only one PEC member went with the mobile ballot box, not two as prescribed under the law. We were under the impression that PEC members were afraid to speak with us.

At PEC #5 the Chairman prevented observers from speaking with PEC members and party observers. There was an independent domestic observer from the organization ISFED there, by the name of Eka Kvitsiani. While accredited as a local observer, when asked, she did not know which organization she represented. When asked to explain why, the Head of the DEC joined the conversation, told her to be quiet, and started talking on her behalf. She claimed to have seen no irregularities during Election Day. She also confirmed that she was from the same village, and was a relative of the government candidate in the Svaneti district. We had the impression that PEC members were afraid to speak with us.

No irregularities were observed during the count in PEC #18 in Dizi village.

## **THE KHURCHA INCIDENT**

On Election Day, 21<sup>st</sup> May 2008, Russian peacekeepers in the village of Khurcha, inside the de-militarized zone on the Georgian-Abkhaz conflict line, reported of shootings at around 14:00. Georgian TV reported that buses carrying voters travelling from the Abkhaz side of the Inguri River to Khurcha had been hit by grenades and gunfire, and Georgian television showed dramatic images of exchange of fire, burning buses and people running in panic. Later the same day, President Mikheil Saakashvili travelled to Zugdidi and met with one of the wounded at the local hospital. The incident received widespread media coverage from both local and international media. The Georgian Ministry of Foreign Affairs issued a statement blaming the Abkhaz side, with Russian support, for the provocation.

The team reached Khurcha at 11:00 the following day, 22<sup>nd</sup> May 2008. Speaking to locals, officials and international military personnel, the observers learned the following:

The buses did travel from the Abkhaz side of the Inguri to Khurcha, carrying voters. The buses did not, however, go directly to the polling station in the village, but instead drove the voters to a soccer field nearby, situated close to the border between Georgian and Abkhaz controlled territory. A large group of journalists and TV-reporters had been brought there, to interview and film the voters from the Abkhaz side. Eye-witnesses report that shooting broke out and that people threw themselves to the ground. There were then three or four grenades fired at the buses, hitting both buses direct. Following this, heavy gunfire broke out, as Georgian soldiers and security services personnel started firing towards the Abkhaz side of the border.

The observers examined the site assisted by UNOMIG Military Expert Anders Tegnberg, who noted that the smaller of the two buses had been hit with what is likely to be an Under-

slung grenade launcher. This weapon has a very short range, and requires special training to use with precision. The larger of the two buses was probably also hit with an RPG, as it was damaged more extensively. One of the grenades missed and hit the ground some thirty meters from the buses, indicating the direction from which the grenades were fired.

The grenades were in all likelihood fired from the far side of the soccer field, in a direct arch towards the buses, and this was at a distance of approximately 100 meters. At the spot where the grenades were fired from, large amounts of cartridges of three different types were found. The cartridges are from AKM, AK74 and PKM (more unlikely, SVD) of a Soviet original make, these same calibers used frequently by both the Abkhaz and especially the Georgian side.



**The spot from where the grenades were launched, approx 100 meters from the buses.  
Photo taken by Norwegian Helsinki Committee Representatives**

The governor of Khurcha declined to comment on the incident, but said that he did not organize the transportation of the voters. It is unclear who organized the busing of the voters, but according to the governor, local officials and the local DEC's were not involved.

## Questions raised by the incident:

Local eye-witnesses explained that security forces in civilian clothing were either already present when the shooting started, or present shortly after, and returned fire. They were joined very quickly by Georgian Interior Ministry personnel. Khurcha lies inside the demilitarized zone, which means that Georgian military should not be present there. The closest Georgian military post lies some 15 minutes away, driving on very bad roads, away from where the incident took place, not allowing nearly enough time needed to react to the sound of distant gunfire.

The rare and dramatic event occurred at the very moment when numerous TV-reporters had been brought to the village for a pre-arranged media show, effectively taking media interest away from numerous reports of electoral irregularities and violent incidents coming in from all parts of the country.



**The two burned-out buses in Khurcha. Photo taken by Norwegian Helsinki Committee Representatives**

Local eye-witnesses all stated that they believe this incident was staged by the Georgian (that is, their own) side, noting in particular the fact that the passengers were brought not to the voting station in the centre of town, but to a soccer field, where so many journalists had been brought in advance, and that it was very unclear who had organized the transport, and the rapidness with which the Georgian military arrived at the scene of the alleged firefight.

It was clear that the grenades were fired from within the Georgian side of the conflict zone, and that this had also been done from a very short distance.

That this incident took place during a staged media-show, playing into the recent focus of the Georgian government into the Abkhaz conflict, and that it involved further screen time for president Saakashvili on Election Day, is entirely worth contemplation.



**Cartridges left over from the shooting. Photo taken by Norwegian Helsinki Committee Representatives**

### **Khurcha Incident: Staged Provocation or Sinister Plot?**

On May 21, the Election Day, two buses were blown-up near the village of Khurcha in the Samegrelo region. The real reasons and names of people who organized the accident have not been identified at this time. There are several versions of the same incident. Some claim that it was the Georgian government that is actually responsible for the provocation, as it wanted to distract public attention away from elections by staging a controversial and politically charged incident. According to the second version, the Abkhazian side opened fire on Election Day in order to threaten people who had traveled to vote from the de-facto Abkhazian territory, in order to participate in the Georgian Parliamentary Elections. Regardless their guilt or innocence, there were innocent victims, several passengers were wounded, and many questions still remain unanswered.

### **People Beaten Over Phony IDs**

Unidentified armed people attacked Roin Khojakadze, a representative of the United Opposition and Zviad Pipia, the head of the election HQ of the United Opposition as they traveled to various polling stations shortly after leaving Zugdidi DEC # 67. Opposition party members were beaten and their attackers then stole their money and seized their documents. Even prior to this incident, a voter had entered PS # 24 with a fake ID issued in the name of Irakli Khofenia, who born in 1988.

However, one of the observers discovered the address of the registration was incorrect, as it was similar to the address of one of his family members. Some frightened and intimidated voters ran out of the polling station and left their passport behind. Rostom Zhordania; the observer proceeded to make copies of the one faked ID and then informed his wife, who was observing PS # 26 about the incident. Also, there were several witnesses in this instance. In one case Lali Zhordania was followed into polling stations. Then she was approached, and escorted out, searched and without having found anything, and persons asked her if she would assist them in finding some of the missing ID that they would pay her 1,000 USD. A similar financial arrangement was also offered to Rostom Zhordania. However, there is doubt that the responsible institutions were actually involved in providing the faked IDs. The observers presented a copy of the bogus ID to Khojakadze and Pipia, commission members, and the two were later beaten.

Journalists of the TV Companies Mze and Rustavi2 were both inside and outside of polling station. One journalist suffered a brain concussion from as a direct result of the attack.

Asmat Muradashvili, an observer from the Human Rights Centre, reported that the commission chairperson of the polling Station 100, in the village of Rukhi, left the polling station and advised the voters who had arrived by mini-bus to come to the station a bit later, as by then the election observers would have already left. However, they stayed until the vote was counted and only left at 3:00 AM.

## **Distribution of Pensions with Ballots in Zugdidi**

In Zugdidi's 67<sup>th</sup> district's 27<sup>th</sup> election section (Zugdidi, Janashia #1) following situation was observed: polling stations was not isolated. There were two entrance doors in the room. One was destined for voters; another was used by the branch office of People's Bank, which provides pensions for IDPs. It's noteworthy, that Election Day is a legal holiday. Regardless, the People's Bank located on the territory of election room continued granting pensions to coincide with the voting procedures. Bank customers frequently used the voter's door. As George Shervashidze, People's Bank representative remarkably declared, they "had forgotten that 21st of May was actually a legal holiday".



**Near darkness prevailed at most polling stations in the Zugdidi District, Photo taken by the Observer of Human Rights Centre**

## Election Deals in Samtskhe- Javakheti Region

According to the 12 p.m. figures, locals of Akhaltsikhe and Adigeni Municipalities were rather active in the voting process. In Precinct # 28, Akhaltsikhe district the ballots were cast in the ballot box which did not have an accompanying control sheet. However, observers failed to write any complaints over this violation. Adigeni Precinct # 4 and Varkhni Precinct # 7 were opened half an hour later than the time prescribed by law. The election was conducted with many administrative violations in Abastumani Precinct # 2. The polling station was overcrowded; voters had to pass through 3 rooms in order to reach the ballot box in casting their votes. The registry was in one room, the ballot booths located in a second room and the ballot box in the third room. The principle of providing secrecy for voting was violated in this precinct as well. The voters said that there was inadequate light in the booths. It was necessary for them to come out of the booths into an open area to have enough light, which constituted open voting in public view, a kind of “ear-marking”, as almost everybody could see who was voting for the various candidates.



**Ballot box stuffing at the Polling Station # 4 in Akhaltsikhe, Photo by Human Rights Centre Observers**

Abastumani Precinct # 2. Levan Lobzhanidze, a representative of the Republican Party stated that Anton Merabishvili, who represented the ruling National Party, offered him some kind of an “illegal deal” in return for his assistance. However, Anton Merabishvili denied this information. Nonetheless, the situation continued to be tense at this polling station on Election Day with recriminations on all sides.



## Irregularities in Kartli

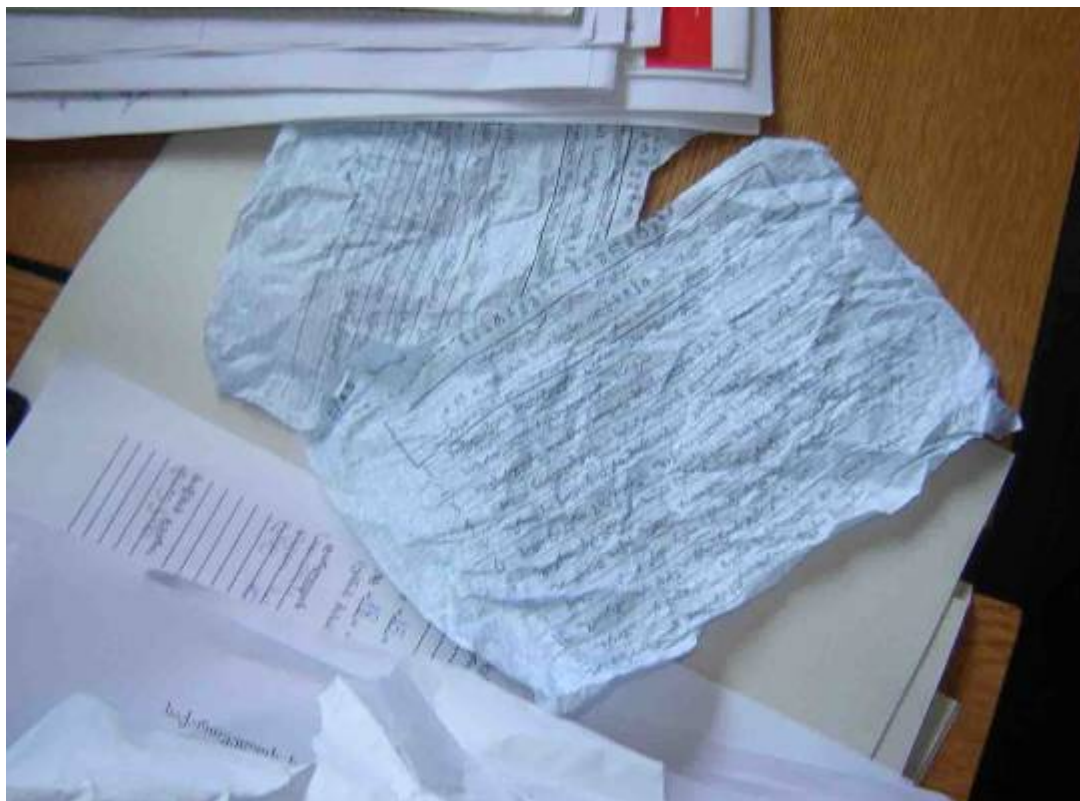
On Election Day the vast majority of polling stations were able to start their counting of ballots by 8 PM. However, this was often without the participation of representatives from opposition political parties. Before 8 p.m. the Human Rights Centre came into contact with many scared people, some women were even crying, especially in the villages of the Gori district; they had asked for assistance in being able to safely depart from the polling stations.

It was observed at two polling stations in Karaleti (Gori district) that people were moving from one polling station to another easily, and openly casting votes again and again. When confronted by observers they only responded that – “it’s my village and I am free to vote wherever I want.”

In Karaleti there were a great number of people in mass in the polling stations. Nino Sabashvili, the member of the “Youth Republican Union” asked individuals without IDs to leave the room. In response, one of the unidentified persons reacted by pushing her and breaking her photo camera.

Inga Bakhtadze, in the village of Plavisman, and a representative of the Republican Party, was both verbally and physically assaulted. However, she was not allowed to file a complaint over the incident. Bakhtadze had no choice but to leave the station out of fear for her personal safety.

In the village Tirdznisi, the majoritarian candidate Giorgi Mosidze argued with the PEC members. Mosidze was concerned with the fact of beating their member Zurab Kareli, who’s mobile was taken off.



**Empty ballots that an observer of the Human Rights Centre removed from pocket of the chairperson of the commission as he departed the polling station.**

## **Human Rights Centre Observer Photo Deleted**

At the second polling station, Lika Vardzelashvili, the representative of the Human Rights Centre and another representative of “Fair Elections,” were both forced to delete photos from their mobile telephones. The photos documented ballot box stuffing.

## **Irregularities in Batumi**

Batumi’s 79<sup>th</sup> election district’s 66<sup>th</sup> section: Number of voters equals 1087, though there were only two voter boots, there was also no light provided in the booths.

65<sup>th</sup> election district opened 20 minutes later. Voters’ list comprised 1441 people, though there are only 1400 bulletins printed.

The same situation was observed on 74<sup>th</sup> and 7<sup>th</sup> districts where the numbers of voters exceed number of bulletins. On 73 districts, in comparison with bulletins less than 20 envelopes were counted.

In Batumi’s 79<sup>th</sup> district’s 51 section’s observer Ira Adalova was not given permission to enter the election section, because she didn’t come at 7 o’clock, although later she attended the elections. She was finally allowed to observe elections when it was learned that she was actually an observer of the National Movement.

## **In Sagarejo’s Azerbaijanian Villages Great Election Chaos Observed**

In Sagarejo region, lower Lambalo’s 36 election district did not have a door; the district was located in an open area, where it was very hard to control flow of movements. Almost all election procedures were violated. Commission members expelled observers from the polling station on three occasions. The Election box was illegally opened. Number of bulletins on this district was 1350, and number of voters - 1394. Members of Commission were unable to explain the reason. Head of Commission, Ahdiman Mamakhardilov and Commission Member, Paata Buzariashvili have twice hit the camera of “The Human Rights Centre’s” operator, because he had spotted violations.

In Upper Lambalo’s 37th district an operator recording election process and violations was beaten. He was backed up by the member of United Opposition Koba Kupatadze.

In Tulari village, 48<sup>th</sup> district, the finger marking process with invisible ink had not taken place for two hours. The ballot box was not sealed. Voters’ list included 693 people and number of bulletins equaled 650. This district polling station opened at 9 o’clock instead of 8.

Upper Lambalo’s 47<sup>th</sup> district was opened at 9 o’clock. The control sheet has not been dropped in the election box. On this district 1069 voters were registered, 11 voters were listed in the special list and the total number of bulletins totaled 1049.

Observers were beaten and expelled from the 45<sup>th</sup> district of Qeshalo, and this was because they had shared some critical remarks to the head of Commission and his deputy. Other people were entering cabins and commission representatives were themselves pointing desired number on the bulletin. District does not have a door. In and out of polling district posters with number 5 still are exhibited. Majority of voters have voted without marking.

On Iormughlano's 46<sup>th</sup> district there were 806 people in the voter's list, 13 in the special list, and were only 800 printed ballots. At this site the representative from "The Human Rights Centre" faced problems while observing the procedures of the polling station. Several unidentified men were trying to take away his camera from and tried to expel him from the polling station.

On 38<sup>th</sup> district head of commission have been marking the bulletins for voter. Voting twice by the same voters was observed. List accounts 1233 votes, 53 people were in the additional list, there were 1156 envelopes and 1200 bulletins.

On the 48<sup>th</sup> district voter list comprises 691 people and the number of bulletins was equal to 650. Marking of fingers with invisible ink did not take place. Ballot box was not sealed as required by law. Early in the day it was impossible to find the book where complaints were to be recorded, and even after it was found, observers were denied the opportunity to record their observations about faults and to officially register their complaints. Usup Bairamov, head of this commission at the district level denied their repeated requests. Aside from procedures barriers to a normal election process, one of the commission members told voters to circle number 5.

## **ELECTION VIOLATIONS IN THE KAKHETI REGION**

HRIDC also observed May 21, 2008 Parliamentary Elections in the Kakheti region of East Georgia, including Akhmeta, Telavi, Kvareli, Lagodekhi, Gurjaani, Sighnaghi, Dedoplistskaro and the Sagarejo districts. Besides mobile groups, we provided fixed observers at 28 polling stations. These were mostly posted in rural villages that are generally inhabited by ethnic minorities, which included Karajala in Telavi district, Kitaani in Gurjaani district, Kabala in Lagodekhi District, Maghraani in Akhmeta district, Chantliskuri in Kvareli district, Sabatlo and Firosmeni in Dedoplistskaro district, and in Iurmughanlo in Sagarejo district.

In spite of a good start it became clear that the safety of monitors was a major issue. By 3:00 PM on Election Day HRIDC had no choice but to withdraw its observers from the polling station because of real risk to their personal safety. Armed people and criminals, and some alleged who had been especially released from prison just prior to the elections had arrived to the polling stations. They were raided in an organized fashion, election observers were threatening and repressed, not to mention the psychological stress that was placed on voters; they too feared for their safety.

Many instances of unauthorized persons were noted in polling stations, and in one instance, one such person, who had no authority to be located the Kabali Polling Station # 18 in Lagodekhi DEC # 15 had forced under the threat of being killed for Gela Mtvlishvili, HRIDC observer, to immediately leave the voting station. There was also a presence of police and persons known to be connected to Georgian Security Agencies, thus an environment of fear and intimidation was prevalent on Election Day.

The parliamentary elections of May 21, 2008 were held in Kakheti Region with brutal infringements of the rights prescribed under the Georgian Constitution and requirements of the Election Code. In the precincts the observers from Georgian NGOs were barred from being able to normally observe the election process. They were not able to write complaints. Several observers were physically abused and even ousted from the polling stations.

## **Monitoring and Other Complaints**

Stations # 10 in Telavi DEC # 17, violations were noted by the refusal to divide the functions among commission members, which is in Article 52 of the Georgian Election Code. Commission chairperson assigned commission members with responsibilities in such a manner that was intended to alter the results and impact the normal voting process. Irregularities were also noted in terms of remarks made as to how names were added on an additional list for a mobile voting box. In theory this box is to provide an opportunity to vote for those too old, feeble or unable to make it to the polls.

In spite of various noted violations, including people voting twice, and a written complaint made by an observer from the Human Rights Centre, it was impossible to record it officially as the commission's chairperson refused to accept it, claiming that he was not an election specialist.

Station # 41 and the Tsinandali Polling in Telavi DEC # 17, voters on the list that were allowed to vote with mobile box visited the precinct and voted for a second time. For Marusa Matiashvili was registered for the box and her ballot was inserted into the mobile ballot box; however she visited the precinct, received another ballot paper and voted for the second time. Inga Shiolashvili, an observer from the HRIDC, noted the violation and spoke with the chairperson and requested to correct the problem but all her effort did not bring any result. Giorgi Kimsishvili, an NGO observer, also filed a complaint about the incident and demanded that all cast ballots be annulled because of the voting fraud. His demand was ignored by both the precinct commission and district commission.

At the Karajala Precincts # 37, 38, 39 and 54 in Telavi DEC # 17 independent observers observed that one person voted all at four polling stations located in the village. Representatives of the election bloc "United Opposition-New Rights" filmed those people and submitted the video-recording with the complaint to the Telavi DEC. They requested that the results of the elections at those precincts be annulled. Nonetheless, the commission refused to satisfy their request and told that they did not have enough evidence."

A video-recording caught the chaos in all four precincts in Karajala; voters were not marked with invisible ink, or at least they were marked on the left palm that confused the commission member from being able to properly check those who had already voted. In most cases, voters were not checked whatsoever.

Dali Shishniashvili, Lela Purtseladze and Eldino Jangulashvili, observers from the HRIDC, observed that several people without corresponding documents were allowed to vote at the precincts # 37, 38 and 39. Over ten voters were crowded at the registration desks in Karajala precincts. Consequently, registrars were disabled to check all of them. Several voters refused to be marked but they were still allowed to vote. Observers at the precincts # 38 and 54 noticed that the commission's secretary was signing in the blank box where voters were to sign their names. Nobody instructed voters to enter the election booth to cast their independent votes in secret. They were filling out the ballots on registration desks. At the precinct # 54 supervisor of the ballot box and members of the DEC took ballot papers from voters, checked who they have voted for and then inserted into the ballot box.

At the precinct # 38 in the village of Karajala, by 12:00 PM commission members found out that they lacked 100 ballot papers for proportional party elections. They found out that one of the registrars had received two packs of ballot papers for majoritarian candidates (single mandate). Eldino Jangulashvili, an observer from the Human Rights Centre, filed a complaint about this violation and the commission then annulled 100 ballots.

Final protocol of the Karajala Precinct # 54 listed a total 1,450 received ballot papers; 730 of them were not used; 35 were ruined. Consequently, the number of voters should have been 685 but the final protocol indicates 738 voters had actually voted. Observers requested the DEC members to count the papers again and the request was satisfied. As a result of the repeated counting the commission members did not find the difference. Telavi DEC enclosed an updated protocol with amendments to the final protocol for the precinct # 54.

The final protocol of the Karajala Precinct # 38 exposed a different numbers of proportional and majoritarian ballots. The protocol demonstrated 612 majoritarian (single mandate) ballots and 512, a difference of 100 proportional papers. Observers demanded that the results be annulled or that the ballots be counted for a second time. The Telavi DEC did not satisfy the request based on the resolution # 74/2008 on May 23 2008 for lack of proved grounds. Nevertheless, Article 34, paragraph II-f of the Georgian Election Code states that based on the complaint filed within the estimated deadline and according to the law regulations the District Election Commission shall check the legality of the decisions and activities carried out by commission members and their officials; the DEC also shall check the accuracy of counted ballot papers, registration of voters and shall pass corresponding decision in the case of observed violations. DEC members ignored this requirement under the Election Code.

At the Karajala Precinct # 39, after the ballot papers were counted commission members could not the final protocols. The DEC sent new protocols to the polling station.

Gia Papunashvili, chairperson of the National Movement's regional organization, delivered nearly 200 Azerbaijan voters by buses at Karajala precincts. None of them had IDs indicating their place of residence. Despite that fact, all 200 people voted at the precincts # 37, 38, 39 and 54 without any obstacles. Reportedly, the ethnic Azeri voters were transported from "Lilo Market" in Tbilisi. One of them reported that he had received a new ID three days before the election

At the precincts in Karajala a single man from five-member-families arrived at the polling stations. He had the IDs of other members of his family and voted for them. Observers requested that commission members are not to provide more than one ballot per voter. Nonetheless, the commission's chairperson replied that these were the cultural traditions and Georgian observers were insulting ethnic Azeris in their demands.

At the Precinct # 2 in Telavi DEC # 17 final protocol was submitted to the DEC that had an alternative conclusion. G. Mindeli, one of the commission members, did not agree with the final results because the number of envelopes in the mobile box was more than the number of signed ballot documents. However, the Telavi DEC did not satisfy the complaint based on a lack of evidence.

Bela Mushkudiani, chairperson of the Nafareuli Precinct Commission # 50 in Telavi DEC # 17 was not satisfied with the results of allocation of responsibilities among commission members and she changed the functions of the members on her own accord. Observer at the precinct filed a complaint about the incident but the chairperson and the secretary of the PEC refused to accept the complaint.

Observers from discovered mobile ballot box from the Telavi PEC # 7 in TELavi DEC # 17 in the village of Busheti in Telavi District. Ketevan Mekvevrishvili and Tamar Kurshitashvili, who were accompanying mobile box, explained they were moving about by the precinct car that was being driven by Imeda Imedashvili, a member of the National Movement. Against the will of the commission members Imedashvili drove them beyond the district and refused to return to the polling station for several hours. Mekvevrishvili and Kurshitashvili arrived back at the precinct after they managed to call the Election HQ of the United Opposition for assistance.

Telavi Precinct # 5 submitted the amended final protocol to the DEC; however the protocol did not indicate that the document had been amended, which is required by the Article 51', paragraph III of the Georgian Election Code. Consequently, the precinct commission had not drawn up the protocol containing the amended data. Marekhi Mgaloblishvili, an observer from the Young Lawyers Association filed a complaint to the Telavi DEC and requested that the chairperson and secretary of the PEC # 5 be fined. They also requested that the results of the majoritarian elections at that precinct but the Telavi be annulled. DEC partially satisfied her request. According to the election code, chairperson and secretary of the PEC were fined with 1,000 GEL each.

Nukri Kalandrishvili, commission chairperson of the Reusipiri Precinct # 28 in Telavi DEC # 17, after the polling process ended, insulted Lili Burbutashvili, observer from the Society for Legal Development and did not allow her to file a complaint. The observer requested that the commission's members not to include false data in final protocol, as the number of envelopes greatly exceeded the number of signatures recorded in the registration journal. The remark irritated the chairperson who forced Lili Burbutashvili out of the polling station. Gela Mtvlishvili, observer from the Human Rights Centre, then appealed to the Telavi DEC regarding the incident and demanded to let the observer into the polling station and to react to witnessed violation. Telavi DEC only reprimanded Nukri Kalandrishvili.

Members of the Zhaluri PEC # 1 in Akhmeta DEC # 18 submitted the final protocol to the DEC without a seal. Observers and Mikheil Maisuradze, deputy chairperson of the PEC, noticed the fact. After remarks, Etar Tsotskhalashvili, commission chairperson and secretary then disappeared and could not be found. They tried to open the envelope and to seal the final protocol in another room. Short term observers from OSCE Democratic Institutions and Human Rights Office also witnessed this instance of fraud.

In term of this violation, on May 22 at 2:14 PM Manana Mrelashvili, an observer filed complaint to the DEC # 18 and demanded to annul the protocol of the Zhaluri PEC #1 and that chairperson and secretary of the commission be punished

According to the Article 60 paragraph IV of the Georgian Election Code, final protocol shall be signed by commission members and shall be confirmed by the PEC seal. Although, the protocol of the Zhaluri PEC #1 did not contain the seal Akhmeta DEC did not consider it as being adequate enough grounds to justify annulling the protocol. He consequently refused to satisfy the complaint.

Observers of mobile group from the Human Rights Centre at 4:10 PM observed at the Matani PEC # 11 in Akhmeta DEC # 18 that Lia Mekudishvili voted without producing her ID. Ketevan Mosiashvili, representative of the Republic Party, reported that Ano Induashvili, commission member, allowed other citizens to vote without having first provided their IDs. Chairperson of the PEC did not allow observers to file complaints in the official record book.

Double voting was observed at Precinct # 11 in Gurjaani DEC # 12. Tamar Kobakhidze was inserted on the voter's list for people who live abroad but she was not included in the main voter's list. Aneta Iremashvili, another local, was found to have her name included on a special list. However, she has signed at PEC # 12. Valerian Lazariashvili was away with a tour of military service but he had somehow signed. Ipelia Kanashvili has also voted according to the main voter's list though she is inserted on the special list. Eteri Mtvarelshvili is also in the additional list but she has voted at the polling station too. Zurab Danelishvili, representative of the Republic Party, wrote a complaint about the violations and according to the Article 34 paragraph II-f he demanded the DEC to check and recount the number of ballot papers, voters registered during the polling process and to finally annul the results. Based on the Resolution # 60/2008 Gurjaani DEC # 12 did not satisfy Danelishvili's complaint, and noted a lack of evidence.

Precinct Election Commission # 15 in the village of Velistsikhe in Gurjaani district did not follow the Article 57 of the Election Code and failed to count the number of voters, unused ballot papers, spoilt papers and did not indicate those figures in final protocol. Commission members started to count ballot papers without counting above-mentioned papers. Zurab Danelishvili, representatives of the Republic Party Otar Samunashvili, observer from the Human Rights Centre filed complaints where they demanded to recount voters and used ballot papers. However, the DEC did not satisfy their complaints, and not only in this instance – he also refused to register the complaint of Zurab Danelishvili where the observer had noted that on the main list there was not any note about voters who had been included on the special list.

At the Vachnadzeani PEC # 6 in Gurjaani DEC commission secretary has changed the signatures of voters in main voters' list. However, in spite of recriminations, the secretary denied the allegation. It was now clear that it was virtually impossible to accurately determine the total number of voters based on corresponding signatures. Finally, it took court proceedings, and the election results were finally annulled by Gurjaani District Court. The Georgian Young Lawyers Association took the case to court.

Election Commission of the Precinct # 41 in the village of Arashenda in Gurjaani DEC # 12 submitted final protocols to the DEC where total amount of voters participating in the elections was 587 but the number of votes was 782. Neither majoritarian nor proportional protocols with the number 0002653 were enclosed with the amendment protocols, or were any accompanying notes confirming the changes were included in the final protocol. Consequently, the observer wrote a complaint and demanded that the protocols and voting results be set aside. As in other instances, the DEC refused to satisfy his request and considered it as having been groundless.

At the Velistsikhe PEC # 15 and 16 in Gurjaani DEC # 12 after 7:00 PM members of the National Movement's local election HQ visited precincts and voted everywhere; they for those voters who did not show up to cast their vote. Representatives of the ruling party patrolled in front of the polling stations in Velistsikhe precincts and at other polling station throughout the district. They had voters' lists and recorded who had come to the precinct. After 5:00 PM they visited those people at home who had not come to the elections and brought them to participate in the election. Their activists made every effort to convince people to circle the number of the National Movement without having first entered the election booth. Otherwise they were told that they would experience problems. Consequently, most had no choice but to cast their vote in front of the members of the election commission. Representatives of the ruling party, political party "Radical Democrats National Party," "Union of Georgian Sportsmen," "Traditionalists, Our Country, Women's Party" and NGO "Ratsio Legi" witnessed all what was transpiring at the polling stations and they protected against the vested interests of the National Movement.

District police officers, security officers and representatives of other law enforcement bodies were assigned to polling stations in Gurjaani District and were on site for the duration of the election. They assisted in persuading people to vote for the ruling party and as the single mandate candidates of the National Party.

Nearly 14% of the total amount of voters used mobile box in Gurjaani DEC # 12. For example, 92 voters used mobile ballot box in Vachnadzeani PEC # 6; 98 voters used the mobile box in Vazisubani PEC # 11; 106 voters at the Akhasheni PEC # 17. Most voters from the special list told that they had not applied to the commission to vote with mobile box.

Shota Simonishvili who had arrived at the Vachnadzeani Precinct to vote told how he had somehow been included on the special in spite of the fact that he had not applied to the commission with such a request.



## Observers Faced Deadly Force

It was clear that chairpersons of the district and precinct election commissions and the representatives of the United National Movement made effective use of criminal elements. They could be seen standing outside polling stations for the purpose of intimidating observers and some voters. Many of these criminals had been released from prisons several days prior to Election Day. It became clear that when members of the election commission were unable to frighten independent observers, there was a backup plan, which made use of those who had been convicted for such grave crimes as robbery, murder and other serious felonies. They were used for intimidating observers on the premises of polling stations. Observers were physically threatened, that they would be knifed or that some other weapon would be used on them.

It was clear as to the motivation, as noted in the submitted reports, “I observed the elections in Ganjala Precinct # 20, Lagodekhi District. Voting fraud commenced as soon as the polling station opened in the morning. To start out with, the official seal on the ballot paper package was not intact. The UV lamp and the invisible ink did not function as it was suppose to, as the invisible ink was oftem not sprayed on the voters’ fingers. This allowed repeat voting, the one and the same persons had already voted several times. We, independent observers wrote complaints on these violations. However, Alaidin Rustamov, the commission secretary did not register any of our complaints. Parkhad Musaev, the PEC chairperson then started shouting at us; he was using very foul language; he even tried to hit us.

Later, at 9:37 Guram Kakalashvili, the United National Movement, a single mandate MP candidate has entered the polling site with a score of muscled, tall men and they used extremely bad language when they spoke to observers. A man called Shoshiashvili, who was with Kakalashvili’s group turned out to be a CEC representative. He also used foul language against the observers and the voters. People were beating one another. This appears to have been used as the diversion and then ballots were stuffed into the ballot box. I demanded Kakalashvili to leave the polling station he started cussing me, and used very nasty language. I wrote a complaint on this fact which made the infuriated PEC chairperson, which made him even crazier. He tried to beat me but a person named Kutibashvili grabbed him by his arm and he was lead away.

At about 13:30 all the oppositional PEC members and proxies left the polling station because of the impossibility to perform their duties under such circumstances, However, I did not leave and was left alone with representatives of the United National Movement. They then started shouting at me; they physically took away all my complaint forms and tore them up. In the end they tried to beat me, consequently, I had no choice but to leave the polling station,” states Marina Zardiashvili, a journalist and the observer for the Human Rights Centre.

The observers were not able to monitor the election process at the Uzuntali Precinct # 21, Lagodekhi District as well. Nato Sarkisashvili, the Human Rights Centre observer was threatened by Shoshiashvili, the CEC representative was than ousted from the polling station, but another representative of independent NGO New Generation- New Initiative was not. Isako Tskipurishvili, the United National Movement single mandate MP candidate told Sarkisashvili that “if she decided to write a complaint he would “smash” her head up against the wall”.

I personally, observed the elections in Kabali Precinct # 18, Lagodekhi District as the representative of the Human Rights Centre. Immediately after entering the polling site I saw that the ballot papers had been taken out of the polling station, signed and taken back into the precinct to drop into the ballot box. I protested against over this and proceeded to demand that Adalat Sardarov, the PEC chairperson do something to stop this illegal act.

Hardly had I finished my words when Sardarov took an iron chair and threw it at me. Then he proceeded to physically assault me and some other PEC members helped him. I tried to address the police officer who responsible for maintaining order outside but in spite of my repeated effort, nobody came to help me. I then called the Lagodekhi District Department of the Ministry of Internal Affairs. Though the law enforcers did respond to my call they did not act as they were interested in my problem, and could care less if I had tried to address issues related to the election. Moreover, a police officer who presented himself as the deputy head of Lagodekhi Police Department asked the chairperson and while he was pointing at me ... "if there were any people at the polling station who had violated peace and order and should be removed." The answer was no ... and later I had to escape from the polling station when a group of armed people broke into the building.

I stayed for a while outside the polling station. I saw two MP candidates of the United National Movement- Guram Kakalashvili and Isako Tskipurishvili who were entering the polling site. Several people with whom I did not know were with them. One was from the MP candidates' entourage; he came to me and pointed a pistol in my direction. He also used bad language and warned me outright that if I did not stop informing international observers about election violations that he would kill me. At the same time I felt cold object touching my throat. About 30-year- old man with NGO Ratsio Legi observer's certificate holding a knife in one hand grabbed me by my arm and demanded to leave the polling site immediately. When I was a safe distance from the strangers I called on the law enforcers for help but to no effect; the deputy head of the police department later stated that he did not see anything at all.

When the observers spotted ballot box stuffing at a precinct in Kabali and tried to write a complaint, the PEC chairperson and deputy chairperson threatened them an axe.

The observers were under threat at other precincts of Kakheti region as well. However, the greatest intensity was among the precincts that are mostly inhabited by ethnic minorities.

The observers of the Human Rights Centre addressed the Office of the Prosecutor General with an official letter informing them on abuse and intimidation of HRIDC observers but the criminal cases have not been started as yet.

Lia Khuroshvili, observer of the Human Rights Centre reported about the violations observed at Karajala PEC # 22 in Lagodekhi DEC # 15. She arrived at the precinct at 7:00 AM. Ethnic Azeris live in the village. Later, the extent of the election fraud was realized. It was learned that supporting data about the number of voters, the total number of blank ballots provided and number of voters contained on the special list were not recorded in a summary protocol, which was suppose to be completed by 8:00 AM.

One hour later we observed the ballot papers were given to the people who were not on the voters' list. Commission members became irritated after observers from the opposition parties remarked about what they saw. Two other observers were physically assaulted and then forced out of the precinct.

At 1:45 PM commission members and observers from opposition parties left the precinct in protest. Lia Khuroshvili, Aluda Doliashvili, observer from the Multinational Georgia and two Georgian observers from the National Movement remained at the precinct. At 2:25 PM a group of people rushed into the polling station. They surrounded the box and started to stuff ballots into the box. The deputy chairperson of the commission was also involved. He personally stuffed several dozen ballots into the ballot box. Lia Khuroshvili wrote a complaint about the violation and demanded that the election results at the precinct be annulled. However, the commission refused to accept the complaint. Chairperson and representative of the NGO Ratsio Legi tried to beat Khuroshvili who somehow managed to resist them. Kakheti regional coordinator of the Human Rights Centre informed Lagodekhi District Police Department about the harassment and asked to react on the fact, there was no result. Finally, a mobile group of the HRIDC arrived at the precinct and withdrew Khuroshvili from there at 3:20 PM because she was in danger.

When a commission member of the Kabali PEC # 21 in Lagodekhi tried to rig the elections a quarrel broke out. Chairperson and other members of the commission stood by and watched the situation calmly. Ketevan Talakhadze, DEC member from Labour Party, who arrived at the precinct, tried to overcome the violation but with no success. Talakhadze was supposed to give the documents to the chairperson when she was physically attacked. Ketevan Talakhadze was then pulled out of the precinct. As she reported, after certain people "settled" the problem with her, she took the registration list to Lagodekhi to make copy of the faked signatures. However, some strangers grabbed the list from her before she could leave. Zurab Kachkachishvili, spokesperson of the CEC reported that Ketevan Talakhadze, a member of the Labour Party, had put the list into her underwear and stole it; this same information and incident was reported by some TV stations.

Observers at the Uzuntala PEC # 21 in Lagodekhi DEC # 15 reported that the fingers of voters were not marked all day long. The lamp for detecting the ultraviolet invisible ink did not work. Ballot papers were given to voters without having produced IDs. After filling in the ballot papers they were not isolated in the voting booths to where they could cast their vote in privacy. The ballot papers were taken out from the polling station in bulk and at times 5-6 voters would arrive back and insert their votes into the ballot box in a batch. The secretary of the commission did not count the number of signatures in the registration list to estimate the activity of voters. However, the secretary was legally obliged to check the signatures under Article 53.6 of the Election Code.

In light of the above-mentioned violations Nato Sarkisashvili, observer from the Human Rights Centre at the Uzuntala PEC # 21 filed a complaint and demanded that the voting process be terminated. Nonetheless, the secretary of the PEC refused to consider the complaint. Commission members were not willing to show the record book and did not allow the observer to make a written complaint. In addition, Shoshiashvili, representative of the CEC, who was at the Lagodekhi DEC, started to shout at observers and would not allow them to work in a normal fashion.

Nugzar Abulashvili the majoritarian candidate of the National Movement visited polling station # 9 in Signaghi DEC # 13 as well as other precincts together with unauthorised people. He asked commission members whether everything was ok. In Signaghi, on Sakobo's polling station, Nugzar Abulashvili, and even before the chairperson had complained about any issue had expelled Nodar Kutibashvili's (United Opposition commission member) from the polling station. Nodar was then told that if he would attempt to return to the polling station, that he would be arrested.

Violations were also observed at the Bodbiskhevi PEC # 13 in Signaghi district. Tengiz Bezhashvili, representative of the Republic Party, discovered 128 envelopes for ballot papers in the drawers of the tables in the polling station. Later, the chairperson of the commission explained that the ballot papers were old and they had been left there from the period of the January 5 2008 presidential elections. In spite of this excuse, a complaint was written about this but the chairperson refused to accept it. Later, the envelopes were secretly, however, a local journalist somehow managed to take a photo of the burning envelopes.

Tengiz Bezhashvili, commission member from Republic Party who visited the Bodbiskhevi Precinct was beaten. He reported that police had initially insulted and then proceeded to beat him. Bezhashvili claimed he was beaten because he discovered additional envelopes at the precinct.

Those from the Georgian Young Lawyers Association, GYLA, also observed the election process at precincts in Signaghi DEC, and this was in combination with the association Vejini. Reportedly, those NGOs had not dispatched their observers to those precincts. Two people, Gia Kavtaradze and Khatuna Khositashvili observed the polls at the Tsnori PEC # 13 under the cover of the GYLA. However, they had accreditation card but without official seal. Their cards were only copies and not originals. Effort has been made in the meantime to find out the situation with Kakheti regional coordinators of the above-mentioned organizations. However, both Kavtaradze and Khositashvili have since disappeared; they had even signed the record book as official observers. There were several observers were present at the precincts in Signaghi district. After our remarks, part of PEC chairpersons dismissed them from the precincts. However, as soon as we left the polling stations false observers returned back and acted as commission members.

Mamuka Kuprashvili attended the polling process at Bodbiskhevi PEC # 12 in the name of the Human Rights Centre; Dali Mchedlishvili represented "Centre for Constitutional Rights"; Davit Kusrashvili represented Caucasian Bar Association. They followed the directions of Manana Gelashvili, the chairperson. The accreditation cards of those observers were not confirmed by the CEC; they contained the seal of the Signaghi DEC only. It is noteworthy, that the Human Rights Centre did not have an observer with the name Mamuka Kuprashvili.

Manana Gelashvili, chairperson of the same PEC, dismissed observer Darejan Darchiashvili who found hidden ballot papers in the second room.

At the Bodbiskhevi PEC # 12 commission member-registrar gave four ballot papers to Makvala Obolashvili, the voter. The observers protested without result.

Part of voters entered the booths that were not closed and everybody could see how they cast their votes. Despite several complaints about the violation the chairperson did not react at all. He threatened the observers to dismiss from the polling station. The polling station was not closed down at 8:00 PM and the process continued. Nearly 50 people in the queue were within the precinct and it caused serious disorder. Since the box was opened and envelopes were on the table, the electricity was cut off. Although, observers had warned the commission members to prepare flashlights because such a delay was quite possible but nobody paid any attention to their warning. After the electricity was cut off, one member of the Republic Party turned on his flashlight. Observers then noticed some strange people standing in the room. They were putting extra envelopes with ballots inside them on the table. They then grabbed the flashlight from the person and ran out. The member of the Republic Party submitted a complaint to the Sighnaghi DEC and requested to annul the results of the Bodbiskhevi PEC # 12. However, his request was not satisfied.

Observer of the Human Rights Centre noticed as soon as he entered the Tsnori PEC 8 in Sighnaghi DEC that armed policeman and five unauthorised people were at the polling station. Having found out the situation officers of the special forces of the Internal Ministry were mobilized outside the precinct. They ordered commission members to follow their orders; more precisely they ordered to give ballot papers to the people who were not registered on the voter's list and who not even registered in Sighnaghi district based on their IDs. Only after we made clear that this was unacceptable did these people leave the polling station. However, we were later informed that those people had returned to the polling station after we had departed and voted.

Voters from the village of Gavazi in Kvareli District were offered 20 GEL if they voted for the National Movement. Giorgi Chitarishvili, member of the "Movement 1978" informed us about the fact. He reported that in addition to that specific violation how there were a large number of police mobilized at the Gavazi PEC # 20 in Kvareli District. People were threatened and suppressed; they could not express their will. Facts of carousel voting and controversies between the members of the National Movement and the United Opposition were also observed.

Activists of the National Movement in Kvareli beat Ramazan Abrakarov, member of the Republic Party who observed polling process in the village of Chantliskuri in Kvareli district. He was expelled from the precinct. Paata Khachishvili, the head of the Kvareli District Security Department controlled the polling process at several precincts and did not let the observers to file complaints. Observer of the Human Rights Centre recorded how Khachishvili controlled the situation at the precincts.

Election carousel worked in the Dedoplistskaro DEC too. Observers of the mobile group of the HRIDC personally saw the voters who were transported from one to other precincts. Despite the remarks and complaints of the observers and members of the opposition political parties nobody reacted on the violations and tried to eradicate the problem. The fact of carousel was observed at the Kiziki PEC # 14, at the Kochebi PEC # 2. Unauthorised people ran the situation at the Dedoplistskaro DEC. Local observers and journalist Iliia Martkopelashvili reported that those unauthorised people were employees of the Internal Ministry. The journalist learned about it after he was personally threatened. Iliia Martkopelashvili was threatened with detention if he reported mobile groups of observers about the violations at precincts.

PEC # 36 of the Sagarejo DEC # 11 functioned in the building of the police station. In the morning the observers found the door removed. Although they demanded to repair the door, the chairperson of the commission did not sign the complaint and announced the polling process started at the precinct.

At 10:00 AM a large amount of voters attacked the PEC. Observers could not control the crowd and they rushed into the polling station. Chairperson explained that local people were Azerbaijan and could not speak Georgian; consequently, voters could not understand the remarks of the Georgian observers. Policemen did not react on the situation. Part of ethnic Azerbaijan people, who were aggressive, attacked Irakli Gogvadze, the camera man who was filming the violations.

The most difficult situation was found in the Lambalo Precinct. Two precincts, # 37 and 38 were located at the ends of the same hall in the same school building and they were separated from each other with three desks. This border between polling stations was destroyed when the voting started and the voters of one precinct were going to the second one to vote again, and after having stuffed several ballot papers in one precinct, they were doing the same in another one. More than 10 voters were entering the precinct at the same time; they were helping each other to sign the number “Besh” which means 5 in Azeri. Mamedov, a commission member, indicated his neighbours with the word which figure to circle.

Observers without any badges consulted with voters in Azeri at the PEC.

It was unclear where voters had found so many ballots, as they had held in their hands. When observers remarked they could not push several ballot papers in the box at once, people aggressively responded to them. At 10:00 AM Koba Kupatadze, an observer at the PEC # 37 tried to stop ballot box stuffing the PEC chairperson and union “Racio- Legi” observer beat him ruthlessly.

Konstantine Stalinski was filming how the observer was beaten. One of the harasser noticed him and rushed in his direction shouting something in Azeri. Other Azerbaijan observers and deputy commission chairperson also supported him and tried to take a camera away from Stalinski. The journalist was beaten.

From 7:00 AM to 8:00 AM the number of ballot papers was less than registered voters at the Keshalo PEC # 34, Mughanlo PEC # 36, Kvemo Lambalo PEC # 37, Tulari PEC # 38, Kazlari PEC # 39, Duzagrami PEC # 40, Keshalor PEC # 45, Mughanlo PEC # 46, Zemo Lambalo PEC # 47, Tulari PEC # 48, Duzagrami PEC # 49 in Sagarejo DEC # 11. Besides that, each reception protocol exposed higher number of envelopes than ballots. Commission secretaries of almost all above-mentioned precincts did not indicate the number of the arrived voters by 12:00 PM. The record book did not exist at the Keshalo PEC # 45 at all.

Allocation of responsibilities among commission members was not carried out at the above-mentioned precincts. Chairpersons ambitiously divided the functions among commission members. Registrars did not give voters the registration list where people had to write their signatures. More than 8-10 voters were standing at the registration desk though the law claims not more than two voters shall stand there at one time. People voted with the IDs of other people. Registrars had sealed several ballot papers in advance.

In addition to unauthorised people at the polls, like officials from the Sagarejo District administration, village governors and policemen were present at polling stations.

At approximately, 8:37 AM observer Koba Kupatadze was beaten at the polling station in the school building of the village of Kvemo Lambalo. The observer was placed in hospital with a serious injury on his right eye.

At approximately 1:00 PM, policemen encouraged ethnic Azerbaijan people to tense the situation at the precincts # 35, 36, 40 and 49. Because of the tense situation the United Opposition and other opposition parties withdrew their observers from the precincts. The Human Rights Centre also withdrew its observers from the polling station.

Chairperson of the PEC # 38 beat Marina Polinstkaia, commission member that was filmed by video-camera.

Mevlud Natsvlishvili, who was at the Precinct # 47, ordered and a group of nearly 30 drunken men rushed into the polling station and beat independent observers and commission members who were there on behalf of opposition parties. Davit Maisuradze, member of the Sagarejo DEC from Labour Party was seriously beaten. During the quarrel the ballot box was busted up and drunken people stuff extra ballot papers into it. Although the election code demands to close down the precinct if the ballot box is damaged, the voting process continued.

### **Testimony of Davit Maisuradze, member of the Sagarejo DEC # 11**

‘I arrived at the precinct # 47 in Sagarejo district at 12: 30 PM to check the situation together with Malkhaz Katsiashvili, member of the Sagarejo DEC and Emzar Gorgiladze, representative of the Christian-Democratic Movement in the DEC. nearly 24 voters had come to the polling station before our arrival. At 13:10 PM nearly 30 drunken men arrived at the polling station who tried to rush into. Commission members who had to regulate the wave of people were could not resist them. The violators were stronger than us and they rushed into the building. Policeman was watching the on-going situation calmly. The attackers not only insulted us but they assaulted us too. They started to pull out the envelopes out of their pockets and stuffed them into the box. During the quarrel I was ruthlessly beaten.’

Sandro Gagniashvili, representative of the Republic Party was also beaten at the same precinct as he prevented a stranger from stuffing ballots into the voting box. Gagniashvili was injured in the head and face.

Ordinary water was in the marking apparatus instead of invisible ink at the Tulari Precinct # 48. Commission member from the United Opposition demanded to check the liquid but he was not allowed and afterwards, he poured the ink on his hand. Having checked the marking with the lamp it did not show anything. In addition, under-age people also participated in the election at the same precinct. Observers protested similar facts several times but the chairperson considered observers as having interfered in their activities and demanded the police to expel the observers from the polling stations.

In the morning, commission chairperson also took part in the vote count though he had no legal right to do so; the first ballot paper was dropped into an unsealed box. All day long the chairperson accompanied voters into the booth and circled "5" himself. One and the same voters took part in the polls several times and the chairperson stated he was satisfied with that. Registrars also circled ruling party in the ballot papers and the single candidate from the National Movement. Complaint of Teona Kokhodze, an observer from the Human Rights Centre, was not satisfied; she requested the District Election Commission to annul the results of that particular precinct.

Irakli Kikikashvili, observer at the Precinct # 46, observed scores of ballot papers were dropped into the ballot box several at a time. He wrote a complaint and demanded to annul the polling process there but the secretary did not accept it. Complaints of the observers at the Iormughanlo precincts in Sagarejo district were not accepted at all. Thus, it was impossible to complain about the Election Day violations.

Amil Sharipov, chairperson of the Tulari PEC # 38 personally circled the number for the National Movement and single mandate candidate from the ruling party. The mobile box was not removed from the polling station at all because the information about disabled people was not recorded in the record book because it did not exist at the precinct at all. There were unauthorised people at the precinct that did not leave the place despite repeated demands of the observers.

The seal of one of the registrar Azir Sariev was missing for half an hour at the precinct # 36. Finally the chairperson of the commission showed it up and stated the seal was taken to another room for some time where ballot papers were sealed for the mobile box. However, before that the chairperson and secretary claimed they did not know where the seal was. Azir Sariev had a bundle of sealed ballot papers, a notebook with the number 019845 that later disappeared. The secretary and the chairperson did not accept complaints of the observers.

At the same precinct Nana Devidze, observer from the International Society for Fair Elections and Democracy, observed a fact of election fraud. More precisely, Karim Rakhimov, born on 09.03.1991, although he had no right to take part in the election because of lack of age, voted three times after producing the ID with the ID number g 1069018 and personal number 36001044243.

Commission members made announcements in favour of the ruling party at the Duzagrama Precinct # 40. Observer Mamuka Khebrelishvili stated in his complaint that voters stopped arriving at the polling station by 1:00 PM. However, three strangers took ballot papers from the commission members, circled National Movement on them, puts in the envelope and drops into the box. Observers are not allowed to resist the violation. Secretary sealed ballots advance and handed them to strangers. The Sagarejo DEC discussed the complaint, but they did not satisfy the request for annulling the results at the precinct.

At the Mughanlo Precinct # 35 in Sagarejo DEC # 11, working at the public school, a voter arrived at the polling station at 2:00 PM who was accompanied with a child of 2 or 3. Commission registrar gave two ballot papers to them and the observers from the United Opposition, Republic Party and Independent observers protested the fact though in vain. The little child enjoyed the right on voting together with the old man.



They dropped two ballot papers in the box. During the argument, representative of the United Opposition, as Goderdzi Laperashvili reported, nearly 15-20 men rushed into the precinct and dropped a lot of ballot papers into the voting box.

## Five Journalists Assaulted in One Day

The CEC accredited journalists together with the independent observers and the representatives of the oppositional parties were beaten on May 21, 2008 Election Day in Kakheti.

**Eliso Chapidze**, the Rezonansi (newspaper) editor on duty was assaulted by Nodar Kapanadze and Otar Lamazoshvili, unauthorized people were found in the polling room of Kvemo Magharo Precinct # 26, Signagi # 13 District. The assaulters twisted hands behind the victim's back, took away a camera and assaulted her. Konstantine Stalinski, a correspondent of the web portal [www.presa.ge](http://www.presa.ge) and Malkhaz Varshanidze and Irakli Gogvadze, camerapersons were also beaten in the polling stations of the village Iormughanlo, Sagarejo election district. The Human Rights Centre journalist was assaulted in Lagodekhi district. A chairperson of a precinct in Lagodekhi district threw a chair at the one journalist, and then armed persons proceeded to oust him from the polling station, and even threaten him with a weapon.

## Special Forces inside Polling Station

As one election monitor recalls, "I was observing the parliamentary election in Signagi district. I started the process of observation at 7 a.m. in the village of Tibaani. After having observed the process of opening the precinct I went to the village of Jugaani. On entering the polling station in Jugaani village the United Opposition proxy told me that the secrecy of voting was being infringed in the precinct. The voters were circling number 5 (the election number of the United National Movement) in ballot papers right at the voting table, showing them to the commission members and only afterwards inserting the ballots into the voting boxes. I personally say what one going-on. When I asked one woman why all these voters were not voting in the election booth, she showed me two ballot papers and advised me mind my own business. She said she was not conceived that she was voting for the United National Movement.

Later, the ruling party sent drunken young men to the polling station in Gurjaani. One of them charged at me and said he had been wounded 17 in his life and it was not my business whether he entered the booth or not. When I asked Jugaani PEC chairperson why drunken people were permitted to be on the premises of polling station, he said the commission did not have right to prevent drunken voters from being able to enter and voting publicly," noted Eliso Chapidze.

Eliso Chapidze also noted that at about 13:30 p.m. Tea Khurtsilava, journalist of Sarke magazine had called her and informed that approximately 10 representatives of the Special Unit of the Ministry of Internal Affairs of Georgia (MIA). They were out of uniforms and had entered into the Kvemo Magharo polling station for no known reason.

**Eliso Chapidze:** “I went to this polling station with a group who was filming the election process. When the camera operator was ousted from the polling station, I then myself entered the polling room with a camera, and then I proceeded to tell the PEC members that I was an accredited journalist, showing my ID. However, both PEC members and a police officer neglected my demand for representatives of Special Unit to go from the station. I started filming the unauthorized people but at the very moment I started shooting several athletic looking men who had come up to me, they then twisted my hands behind my back, they took away the camera and proceeded to assault me. I then started shouting and called for Mamuka Dekanoidze, police officer to come to my assistance but without result. Those responsible for the assault, Kapanadze, Lamazoshvili and several other men who allegedly were observers from The United Georgian Hall and they then left the polling site but this was only after a fight had broken out. The cars they drove belonged to the MIA’s Special Operative Department.

I found out later that it was Giorgi Babakishvili, the Signagi Municipality-Sakrebulo member from the United National Movement who brought Kapanadze and Lamazoshvili to the Kvemo Magharo polling station at 7 o’clock in the morning. Babakishvili was guiding the election process on the same polling station. I tried to protest against this violation as well as other ones. However, I was unable to get their proper attention; they were shouting and using foul language with me.

## Violation of Voter Privacy

A young man stood at the entrance of the polling station and wrote in a yellow notebook the names of the voters who had come to vote. On having entered the polling station the voters went to the registration table, received their ballots, circled their chosen candidate in the booth, and came out with unfolded open-faced ballot papers. The voters then held the ballot papers so that the woman who was handing over the envelopes could see whom they had actually voted. Representatives of the NGO “New Generation New Initiative” were writing down who voted for the United National Movement and only after this the voter actually cast their vote.

The names of the voters who had folded the ballot paper were also written down. Several voters folded the paper in four which really made Dali Davitashvili, the PEC chairlady mad. It is interesting to note that Gia Davitashvili, Dali Davitashvili’s son was sentenced to a term of seven years in prison. A reliable source informed us that Dali Davitashvili was promised that if the United National Movement (UNM) and Nugzar Abulashvili , UNM single mandate MP candidate in Gurjaani won, that her son would be released early from prison,” stated Eliso Chapidze.

The case resulted from Eliso Chapidze’s assault in the Signagi District Department of the MIA on the same day. It was only when the incident was publicized by the Georgian Public Broadcasting did the police in the district department get interested. ting notice. “Sukhiashvili and Deghmelashvili, told me that I would have problems that they would arrest me with great pleasure – and especially if I exaggerated things. Giorgi Khachiashvili, the investigator could not understand how I was beaten when I did not have bruises on my skin. I informed the investigator that the young men that attacked me on May 21, 2008 and they had obstructed me from being able to do my work; they were driving around the village of Magharo in white Jeep Nisan with Constitutional Security Department (CSD) plate numbers.



**Transparent voting in Akhaltsikhe**



**Joint voting under supervision of PEC members**

## Dispersal and Beatings in Sagarejo

Several other journalists were beaten on May 21 in Kakheti as well. Konstantine Stalinski was beaten in the Kvemo Lambalo Precinct # 37, Sagarejo District when he filmed an incident in the polling station.

“**Koba Kupatadze**, an observer tried to stop ballot box stuffing and in collaboration the PEC chairperson and union “Racio- Legi” observer worked together and the beat him ruthlessly. Konstantine Stalinski was filming how the observer was beaten. One of the drunken men noticed him and dashed in his direction. The men raiding the polling station and stuffing ballot papers in the ballot box took a camera away from Stalinski. Azeri observers and the PEC deputy chairperson helped them. The journalist tried to resist and consequently, he was assaulted,” stated Marina Tsiklauri, an observer from the Human Rights Centre.

**Konstantine Stalinski** told how the most difficult situation was found in the Lambalo Precinct. Two precincts were at opposite ends of the same hall in the same school building and they were separated from each other with three desks. This border between polling stations was destroyed when the voting started and the voters of one precinct were going to the second one to vote again, and after having stuffed several ballot papers in one precinct, they were doing the same in another one. More than 10 voters were entering the precinct at the same time; they were helping each other to sign the number “Besh” which means 5 in Azeri.

**Konstantine Stalinski**: “It was unclear where voters had found so many ballot papers, as they held in their hands. When observers remarked they could not push several ballot papers, people responded to them with aggression. I was filming the situation and I too became a victim of violence.

“**Inge-Mai Longist**, an observer from the **OSCE**, made a very strange remark to me a bit later. After having witnessed all the violations going on the polling station she suggested me: “I advise you not to film anything because the camera irritates the locals.”

“Soon my companion warned me to leave the Iormughanlo immediately because operators in a neighboring polling stations were being assaulted. Roman Temnikov, an Azerbaijan journalist called me and said that local criminals knew my name and itinerary and I was facing danger.

I received the same information from other source too. “Azerbaijan locals were provided with wine and under the influence they intended to attack polling stations. Serious things might occur in the evening and anybody was subject to being a victim. Those filming what was going on were especially at risk.”

“I will remember this village because of those two cameramen who were beaten here within the span of one hour. Cameras were seized both of them. One of them, film-director Malkhaz Varshanidze was left without cassettes, mobile phones and personal items; even clothes were grabbed and taken away from him.”

Another victim of in a polling station was Irakli Goguadze. He had rescued the recordings of the violations observed in the second part of the day.”

**Khatuna Iosava**, the head of the PR Department of the Georgian Prosecutor General’s Office, reported that Sagarejo District Police Department had launched criminal investigations over the assault of Konstantine Stalinski journalist and a camera operators, Varshanidze and Goguadze under the Article 178, paragraph III of the Criminal Code (robbery under the threat of violence that is not threat life to one’s health). The crime envisages a term of imprisonment that can range from five to eight years behind bars.

## CONCLUSION

The Human Rights Centre of Georgia [HRIDC] affirms that the lack of any genuine political resolve within the Government of Georgia (GoG), to truly organize genuine democratic elections, has resulted in widespread and systematic election fraud. As a result, the sitting parliament was not actually elected by the people. The GoG has clearly demonstrated its willingness to resort to acts of violence, and even possibly to engage in politically-motivated acts of terror on a small scale. This election marked the first time that the level of violence was so elevated that local election monitors were forced to be removed from the polling stations they had been assigned to monitor. The examples outlined in this report also demonstrate how governmental resources tainted all illegal aspects of the parliamentary elections of May 21, 2008.

The current tragedy of Georgian elections can be seen in the downfall of the evolution of the country’s democratic processes and institutions. A country that had been known for its initial reforms following the Rose Revolution and heralded throughout the world as a beacon of democracy has reverted to the political status of an evolving third world single party rule. The specific instances described in this full report have befallen observers of many civil society organizations, including observers of our Human Rights Centre. This political related violence started before the elections, reached a peak on Election Day, and still continues with beatings, threats, and other punitive measures in the uncertain and agitated post election period.

TV and radio stations are still under pressure. Imedi Radio, for instance, has been reorganized in such a manner that it is no longer a voice in the wilderness of injustice. Governmental control over media outlets has been almost completed. In many instances, self-censorship over many media outlets has become the standard. The November 7, 2007 raiding of the Imedi TV has been well-documented, and this set a process in motion of fear and intimidation that further restricts citizens and civil society from being able to exercise freedom of speech and participate in the political process.

Private TV companies, such as “Rustavi 2” and “Mze”, have consistently carried what is best described as biased coverage of political events. However, it is a positive sign that the newly installed administration of Georgian Public Broadcasting has attempted to create an environment of neutral news coverage. On the whole, the opposition political parties were not given the same opportunities to communicate their political messages on the same level as the ruling National Party.

The cost of advertising was increased in the pre-election period, and this too may be rooted in political expediency on the part of the current Georgian Government.

In retrospect, it now appears that the presence of international observers had little if any impact on the holding of free and fair elections. The majority of instances when blatant election violations occurred, which included instances of violence, international observers were out of range. The presence of foreign observers had little impact on the overall situation; any semblance of democracy deteriorated upon the departure of foreign observers from the polling stations.

Nonetheless, some of the most blatant crimes against Georgian citizens were noted in the pre-election campaign period. People were threatened with job losses, being jailed, or being told that their family members would have problems. Authorities operated with a sense of complete impunity. School teachers were a group particularly repressed with threats. They were expected to show complete support for the ruling party, and its slate of candidates.

The rigged Parliamentary Elections of 2008 have effectively placed shackles on peaceful assembly and/or being able to exercise any semblance of free speech. Moreover, not only the ruling party abused administrative resources, but participation of the opposition political parties in the formation and decision-making within election administrations was severely minimized. In some instances, threats and even physical force were used to further reduce the contributions that a wide range of political parties and stakeholders might have on elections and operational procedures.

The government has once again failed to produce reliable voter lists, and the flawed lists often included those who were dead. In some instances, citizens who did not have pro-government views were removed from the voting lists without any explanations. Often voters were told to not bother to even show up on Election Day, as to do so would create problems for them.

There have been also serious allegations that several thousand ID cards without indication of any registration address had been printed just prior to the elections. These IDs were meant to be used for the “Merry-Go-Round” carousel form of voting as well as other innovative methods of election fraud. However, The Human Rights Centre has no evidence to substantiate this claim at this time; however, our observers witnessed representatives of the “National Movement” carrying hundreds of ID cards on Election Day, which raises serious questions on why the cards were needed in the first place, and casts additional doubt on the source of the IDs.

Regrettably, the Human Rights Centre could not monitor the final and often most controversial stage of elections—counting, because of the increasingly unsafe situation in many of the polling stations. Several observers including Nana Pajava (in Zugdidi) and Gela Mtvlishvili (in Kakheti) were victims of physical violence and had their cameras broken.

Assaulted observers applied to the prosecutor's offices in the districts where they were attacked and demanded that criminal cases be opened. However, since those criminally responsible for the instances of violence were representatives of the "National Movement" – there is little hope that the perpetrators will be held legally accountable, and the observers may again be victims if they push for their rights to be protected under the law.

Despite all experienced difficulties, observers of the Human Rights Centre did manage to document many of the irregularities and fraud that openly transpired on Election Day. Several examples of illegal acts include: verbal and physical abuse of observers, opposition PEC precinct members, and voters; ballot box stuffing, the use of pre-marked ballots; an absence of ink marking, which was in addition accompanied with "Merry Go Round" carousel violations; and, across the board refusal of election commissions to accept and register complaints, etc.

The Human Rights Centre fully shares the findings of the Norwegian Helsinki Committee representatives on the Khurcha incident. Evidence available to the Human Rights Centre is sufficient to conclude that the Khurcha incident was a staged pre-planned event by the Georgian Government. Its intention was to draw public attention away from the election fraud, and to further its plans in the military sphere. We are also supporting the need for an independent investigation of the incident.

Georgian society, after repeatedly witnessing falsified elections over the last decade, has lost confidence in its institutions and this can have far-reaching consequences on the political orientation of the country as a whole. The lack in trust in the democratic election process in the ability of state institutions to assure political impartiality is a problem that will be hard to reverse. Disappointingly, the international community has failed to provide a realistic assessment of the elections since 2003, which has contributed to the marginalization of an already weak political opposition.

Existence of a representative legislature, elected through free and transparent elections is a basis of a democratic society. Democratic elections are at the core of democratic state building and a civil society. This right has been regularly infringed upon in Georgia, and the cases described in this report are not isolated and not regionally specific, either. Georgian society cannot bear the cost of any more rigged elections and governments that are unelected.

Officially, the US State Department hailed the May 21 parliamentary elections a great success and as one more step for Georgia on the Road to Democracy. However, in spite of all the complimentary press, it is not really realistic to speak of the results. It is alarmingly obvious that the new 150-member Georgian Parliament has been stacked in the favor of the majority ruling National Party. The old status quo is thus maintained, and Georgians are in many respects less free now than anytime in the last 15 years.

Georgian elections were well-funded. However, what escapes critical attention is how the powers of the state [police] were used to secure the outcomes. Police could be seen both inside and outside of the polling stations on Election Day, regardless of the written law; they acted brazenly with a sense of guaranteed impunity.

Police were parked in cars outside, standing in the doorways and often armed. If the sheer presence of police outside polls was not intimidating enough, there was the matter of police and Special Forces who were seen inside polling stations, which is considered by both local and international observers as a breach of election laws, and blatant voter intimidation.

There are also serious allegations of how criminal elements were used to intimidate voters and make sure that the results would show a clear-cut win for those candidates of the ruling National Movement Party. This was done in combination with a tediously executed plan of purging many voters from the election lists, especially those whose political loyalty which did not coincide with the political orientation of the ruling Majority party of president-elect Mikheil Saakashvili.

There is little doubt in the minds of most local observers that the May 21, 2008 parliamentary elections were rigged. The 2004 parliamentary elections were held under OSCE recommendations, but in 2008 they were totally ignored and with a sense of complete disregard for the letter of the law. This represents a great step backwards on the road to democracy.

Now is the time to correct the mistakes made, and to punish those violators and to correct the procedures that have allowed an election to be stolen from the Georgian people. It is because of a combination of unqualified support for a current unelected government and the willingness for some to look the other way for the sake of political expediency has Georgia found itself in nearly a crisis situation.

Under such conditions, it is clear that it is easier for a government to violate some of the most basic of human rights – the right to vote – and now the level of public mistrust towards international institutions and the Georgian government has fallen so much.

## **RECOMMENDATIONS**

- Those responsible for election related violations should be investigated and held accountable to the fullest extent of the law, including those who may have been involved at the highest level, including within national political parties, police, security agencies and the Central Election Commission;
- There should be an independent outside investigation of parliamentary elections; and a special independent commission be established to hear claims of violations, and to prepare investigative case materials that can then be provided to the criminal justice system for prosecution.
- There should be an independent investigation of the “systemic corruption” that has allowed such widespread fraud to take place;
- An independent international investigation should be made of the Khurcha Shooting and Mortar Incident, with representatives of the European Union, United Nations, the Organization for Security and Cooperation in Europe, and Russian peacekeepers.



- The results of the snap May 21, 2008 snap-parliamentary elections should be declared null and void; new elections should be scheduled in the nearest future, with the help of “active” international observers, who will not only serve as observers but equal stakeholders in guaranteeing that free and fair elections be held;
- There needs to be a total overhaul of Georgian Election laws that will reform the structure and nature of election procedures, and that firewalls be installed that will further guarantee free and fair elections, including backup forms of voting, including electronic voting (that will provide checks and balances).
- Police and governmental representatives should be barred from polling stations, not allowed to congregate in close proximity.
- The CEC should be completely reorganized and that it will be controlled by representatives of NGOs, civil society and international organizations – it needs to operate independently of governmental oversight – as an independent entity under public law;
- The structure of the reformed CEC should include political representation on an proportional basis, organized in such a way that the majority are not from the National Party or any other political block, so as to provide fair advantages in decision-making and policy formation, [which appears to have been the disproportionate case] of the recent reorganization of the Board of Trustees for Georgian Public Broadcasting,
- It is also essential that all such commissions and meetings be opened to the public and that all proceedings be aired live – or order to assure the greatest degree of transparency possible, no closed-door meetings would be allowed.

Finally, in light of the flawed and invalid Parliamentary Elections and result of 2008, Georgian civil society needs to be more active and focused when it comes to monitoring the observance of the standards set by international practice and under acting Georgian election legislation. It will take many years and a concerted effort by many stakeholders to restore public confidence in democratic-election procedures in Georgia.

We hope the details and facts and case studies contained within this report make it clear and transparent to all people, both within and outside of Georgia, that much work is needed before Georgia will be able to tout democracy as a reality.