



NDI RECOMMENDATIONS IN ADVANCE OF GEORGIA'S RERUN AND RUNOFF ELECTIONS

Tbilisi, October 21, 2016

Most voters were able to cast their ballots freely in Georgia's October 8 parliamentary elections and the results appeared to reflect their will. The elections and their immediate aftermath highlighted a number of underlying problems, however, which have contributed to speculation, confusion, and mistrust. If unaddressed, these issues could detract from the credibility of future elections as well as the legitimacy of the mandate of the next parliament and government. As Georgia prepares for four rerun elections on October 22 and 50 runoffs on October 30, leaders from the government, election administration, law enforcement, political parties, and civil society will need to devote their combined authority and resources to addressing these concerns.

The National Democratic Institute calls upon all sides to refrain from violence and for swift action to be taken against all perpetrators in accordance with the law. Violence has no place in an election. Election observers must be able to carry out their responsibilities in an atmosphere free from intimidation and abuse. NDI encourages an expedited process to adjudicate electoral complaints in accordance with consistent and appropriate application of the law. NDI encourages the Central Election Commission (CEC) to conduct its work as transparently as possible and to more thoroughly explain its decisions and actions to the public. The CEC should enhance efforts to ensure that precinct election commissions are equipped for the demands of the rerun and runoff elections.

As reported in the NDI international observation mission's October 9 statement, Georgia's October 8 Election Day started smoothly but ended with isolated cases of violence and disruption. In some electoral precincts, counting was disrupted or terminated by unruly and, in some cases, violent crowds. In one polling station, international observers were attacked and injured, and had their mobile phones confiscated. There was an unsafe environment for domestic observers as well, with several organizations reporting intimidation, abuse, and violence, requiring some monitors to abandon their posts.

In the two weeks following the election, violence has continued. On October 11, United National Movement (UNM) campaign staff and activists were beaten in Tbilisi and a UNM precinct election commissioner was attacked in Tetrtskaro. This continued violence contributes to an intimidating environment for voters and activists contemplating participation in the upcoming rerun and runoff elections. The Ministry of Internal Affairs (MIA) has taken steps to arrest some perpetrators of election-related violence and aggression, which is welcome. However, many remain at large and leading observation groups, such as the Georgian Young Lawyers' Association (GYLA) and the International Society for Fair Elections and Democracy (ISFED), have assessed the responses of law enforcement as inconsistent. For example, the response to violence against UNM leaders in

Khortsiteli in May by-elections has been slow. It took more than a week to charge perpetrators and further judicial proceedings have been delayed for months. The response to violent attacks by alleged Georgian Dream supporters at two precincts in Jikhashkari on October 8 resulted in only two detentions, with one of the alleged perpetrators released on bail, although eyewitnesses have reported the involvement of dozens of people. This level of response contrasts with the swift pre-trial detention of six opposition activists allegedly causing disruption on Election Day in Marneuli and the posting on the MIA website of videos of masked and heavily armed law enforcement authorities making arrests.¹

Domestic and international observers have also raised concerns about the administration of the elections. The CEC delayed the publishing of protocols on its website, as required by law, without providing a public explanation. This gap of information, which came in the midst of the unrest at some polling stations during counting, contributed to tension and mistrust in the process. The CEC should ensure the rapid transmission of results and publishing of protocols, and if difficulties arise quickly provide explanations to the public to build confidence.

In many precincts, election commissioners seemed inadequately prepared, particularly with respect to counting procedures. This concern has been exacerbated by questions about the impartiality of some professional precinct election commissioners, who are prohibited from being representatives of election subjects or candidates, and the process by which some were selected, which numerous parties and observer groups assessed as pre-determined rather than competitive. The CEC should quickly review complaints about polling officials' performance, adding training where needed and removing officials if they have proven to have acted in a partisan manner.

The CEC reports receiving more than 1000 complaints, many about protocols with irregularities or imbalances, such as more ballots than voters or voters than ballots, and other errors², with requests for annulment of results, recounts, disciplinary action, and other remedies. To date, the CEC has pursued more than 600 disciplinary sanctions while annulling results in ten precincts and calling for reruns in four of the 10 annulled precincts. GYLA has observed, however, that the satisfaction of complaints has been low. Given the small margins by which some mandates may be determined in these elections, exceptional levels of scrutiny, transparency, and consistency are warranted as these cases are adjudicated in order to promote public confidence.

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¹<http://police.ge/ge/shss-m-marneulis-raionis-sofel-kiziladjilos-48-e-saarchevno-ubanshi-momkhdar-intsidentshi-monatsile-6-piri-daakava/10090>

² From about 3500 initial protocols examined by Caucasus Research Resource Center (CRRC), 1000 had irregularities with 850 having more signatures than votes counted and about 150 more ballots than signatures accounted for.