

**THE LONG-TERM
OBSERVATION
MISSION OF THE 2024
PARLIAMENTARY ELECTIONS
III INTERIM REPORT**

27 AUGUST - 30 SEPTEMBER



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August 27 – September 30

The report was prepared by the Georgian Young Lawyers' Association, with the support of the United States Agency for International Development, the British Embassy Tbilisi, and the New Democracy Fund. The opinions expressed in the report belong only to the Georgian Young Lawyers' Association and its content may not reflect the views of the donor organizations.



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CONTENTS

METHODOLOGY	5
A BRIEF SUMMARY	6
1. DECISIONS OF THE ANTI-CORRUPTION BUREAU AGAINST CIVIL SOCIETY ORGANIZATIONS	8
2. ELECTION ADMINISTRATION	12
2.1. Recruitment of district election commissions	12
2.2. Recruitment of precinct election commissions	14
2.3. Briefing of the CEC regarding complaints of the opposition party	16
2.4. Announcement of review of cooperation with the media by the chairperson of the CEC	17
2.5. The Incident Related to the Employees of the CEC	18
2.6. Opening of Polling Stations Abroad	19
3. VOTER BRIBERY AND MISUSE OF PUBLIC RESOURCES	22
3.1. Mobilization of students at the election events of the “Georgian Dream” party	22
3.2. „City of Dream“	23
3.3. Mobilization of persons employed in budgetary institutions at the election events of the ruling party in Ozurgeti	24
3.4. Possible cases of using administrative resources at the regional event of the “Georgian Dream” election campaign in Rustavi	25
3.5. An appeal by an employee of the Rustavi Municipal Enterprise NNLE “Rustavi Corps” to the chairpersons of the homeowners’ associations	27
3.6. “Georgian Physical Education and Sports State Training Center” sharing a post supporting the “Georgian Dream” delegation candidate	27
3.7. Agitation by the deputy mayor of Telavi during working hours	28
4. ALLEGEDLY POLITICALLY MOTIVATED VIOLENT ACTIONS/INTERFERENCE IN AGITATION	29
4.1. Cases of Physical Violence	29
4.2. Interference with the pre-election campaign and civil activism	32
4.3. Damage to someone else’s property, allegedly for political motives	33
4.4. Allegedly politically motivated detention	34
5. DAMAGE TO CAMPAIGN MATERIAL	36

6. ALLEGED POLITICALLY MOTIVATED DISMISSAL OF ACTING DIRECTORS OF PUBLIC SCHOOLS	37
7. DECISIONS OF THE GEORGIAN NATIONAL COMMUNICATIONS COMMISSION	40
7.1. In the pre-election period, “Georgian Dream” political advertisement used hateful language towards LGBTQI+ individuals	40
7.2. Placement of election advertising, which serves the campaigning goals of another election subject	44
8. LIMITATION OF ACCESS TO PUBLIC INFORMATION DURING THE MONITORING PROCESS	46

METHODOLOGY

The Georgian Young Lawyers' Association (GYLA) launched its long-term observation mission (LTO) in April 2024 with the goal of fostering free, fair, and competitive elections. The mission aims to increase the transparency of electoral processes, enhance the effectiveness of legislative mechanisms by producing and monitoring electoral disputes, and ensure that the public receives reliable, evidence-based information about key electoral trends. Since its establishment, the Georgian Young Lawyers' Association (GYLA) has been deeply committed to election monitoring, consistently upholding a neutral stance and adhering to the principles of the rule of law, objectivity, professionalism, and transparency. Through its long-term observation mission, GYLA assesses the pre-election environment across the country via its 9 regional offices, located in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti. This report covers the violations of law or actions that were discovered in the period from August 27 to September 2024, which are not violations of the law, but are bad practices and harm the creation of a healthy pre-election environment. Additionally, the report addresses certain ongoing processes that may extend beyond the reporting period but are significant due to their impact on shaping the electoral legislative framework and the broader pre-election political context.

A BRIEF SUMMARY

In accordance with the Constitution and the Election Code, on August 27, 2024, 60 days prior to the elections, the President of Georgia issued a decree officially scheduling the elections for the Parliament of Georgia and the Supreme Council of the Autonomous Republic of Adjara¹ to take place on October 26, 2024.² On the same day, the Central Election Commission of Georgia (CEC) issued a decree setting the date for the mid-term elections³ for the Samtredia and Chokhatauri Municipal Councils, also scheduled for October 26. The official pre-election campaign period has begun and, accordingly, the special rules stipulated by the election legislation have been put into effect.

During the reporting period, two instances of obstructing pre-registration campaigns and civil activism were identified. GYLA's long-term observation mission documented four cases of physical violence, two cases of property damage, and two instances of damage to campaign materials. In the majority of these cases, there was no immediate and impartial response from the relevant state authorities, which should be addressed through effective investigations and, if necessary, holding the perpetrator accountable.

Additionally, instances of alleged voter bribery and the misuse of administrative resources by the ruling party were concerning. The Georgian Young Lawyers' Association (GYLA) identified one case of potential bribery and six instances of alleged misuse of administrative resources. In several situations, the distinction between party and state functions became blurred, which the ruling party exploited to manipulate voters' will.

During the reporting period, 3 cases of dismissal from the service, presumably with political motives, were identified.

During the reporting period, GYLA examined the decisions made by the Anti-Corruption Bureau concerning the civil movement "Choose Europe" and the monitor-

¹ According to the Constitution of the Autonomous Republic of Adjara and the Law on Elections of the Supreme Council, the Supreme Council of Adjara consists of 21 deputies elected for a 4-year term by the proportional system by secret ballot on the basis of universal, free, equal and direct suffrage by citizens of Georgia with electoral rights registered in the territory of the Autonomous Republic. see Law of the Autonomous Republic of Adjara on the elections of the Supreme Council of the Autonomous Republic of Adjara.

² "The President issued decrees on scheduling the elections of the Parliament of Georgia and the Supreme Council of the Autonomous Republic of Adjara on October 26, 2024", the official website of the Presidential Administration, available at: https://president.ge/index.php?m=209&news_id=2263&lng=geo, updated: 10.10.2024.

³ Decree No. 75/2024 of the Central Election Commission of Georgia on the appointment of by-elections for the representative bodies of municipalities - the city councils (Sakrebulo) of Samtredia and Chokhatauri municipalities - to be held under the majoritarian electoral system following the municipal elections of October 2, 2021, available at: <https://cesko.ge/ge/kanonmdebloba/tsekos-samartlebrivi-aqtebi/gankargulebebi/singleview/11033687-gankarguleba-752024-27082024>, updated: 10.10.2024.

ing NGO “Transparency International - Georgia”, and deemed these actions unfounded. The bureau’s intent appeared to be aimed at disrupting and discrediting civil activism, as well as undermining watchdog activities.

GYLA also expressed concern over the election administration’s statement that characterized the complaints as uniform and baseless prior to their discussion at the CEC session. Furthermore, the organization criticized the CEC’s announcement regarding the potential revision of its cooperation with television stations, considering it inappropriate for an administrative body to make such declarations.

GYLA was monitoring the process of staffing of the election commissions. It is noteworthy that compared to the 2021 general elections, the number of applicants wishing to participate in the competition for non-partisan members of district election commissions decreased by approximately 30%. For 219 vacant positions, 377 applicants were registered at that time.

Additionally, according to GYLA’s assessment, in a situation where the Ministry of Foreign Affairs has not shown the appropriate political will to create temporary consular institutions for the purpose of opening polling stations abroad, the CEC was obligated to act proactively and, in the interests of the voters, to request the Ministry to open such institutions. The CEC was repeatedly informed about the need to open polling stations outside the country by citizens themselves, as well as by the President of Georgia and other parties involved in the process.

In addition, during the reporting period, GYLA negatively assessed two decisions of the National Communications Regulatory Commission. One of these concerned the use of hate speech in electoral political advertising, while the other involved banning the placement of electoral political advertisements of opposition political parties in the television space. According to the organization, both the interpretation of the norms and the findings revealed during the investigation of facts were problematic.

Furthermore, GYLA conducts monitoring of public agencies’ responses to public information requests within the framework of its observation mission. During the mission, the organization made 148 requests for public information to various public agencies. In 43 cases, the organization did not receive a response, while in 23 cases, the response was incomplete. The failure to provide public information hinders GYLA’s observation mission from carrying out effective monitoring of pre-election processes.

1. DECISIONS OF THE ANTI-CORRUPTION BUREAU AGAINST CIVIL SOCIETY ORGANIZATIONS

The case of “Choose Europe”

On September 6, 2024, the Anti-Corruption Bureau (Bureau) filed a petition with the Tbilisi City Court to request the transactions carried out on the bank accounts of the civil movement “Choose Europe”⁴ and its founders, as well as information related to the activities (including the costs of the events, information on the production and distribution of videos). The court reviewed the petition and issued an order (Case No. 3/6672-24) approving the Bureau’s request. In response, the organization filed an appeal, challenging the decision at the appellate court. However, the appellate court upheld the ruling of the first instance, maintaining the original decision.⁵

First and foremost, it is important to emphasize that the Anti-Corruption Bureau, in its petition, fails to clarify which entity, as defined by the Organic Law “On Political Unions of Citizens”, is requesting information from the organization as part of its monitoring process.

The mandate of the Anti-corruption Bureau includes the monitoring of the financial activities of political associations of citizens (political parties), election subjects, and persons with declared election goals, as well as other appropriate measures related to this field.⁶ For this purpose, the Bureau is equipped with the authority to request any kind of information from any person, except the state secrets stipulated by the Georgian legislation.⁷ It must specify the basis, purpose, scope and relevant period of information request.⁸

A “declared election goal” refers to a situation where a specific individual publicly expresses their intention to participate in elections with the objective of gaining power. This declaration must be made openly and should aim to influence and shape public opinion.⁹ It is important to highlight that the Bureau’s petition lacked any supporting documentation that would confirm the initiation of monitoring for any of the entities listed. Instead, the Anti-Corruption Bureau characterized the activities of “Choose Europe” as “pre-election political actions aimed at discourag-

⁴ The civil movement “Choose Europe” is a registered Non-Entrepreneurial Non-commercial Legal Entity (NNLE) whose goal is to mobilize pro-Western voters, its activities include citizens throughout the country and representatives of the Georgian diaspora living abroad. see “President Salome Zourabichvili attended the presentation of the new civil movement “Choose Europe”, information portal “Civil.ge”, July 11, 2024, available at: <https://civil.ge/ka/archives/615971>, updated: 13.09.2024; “Choose Europe” was registered as a non-entrepreneurial (non-commercial) legal entity on July 26, 2024. see website of the public registry, available at: <https://enreg.reestri.gov.ge>.

⁵ No. 330350024009967733 of September 17, 2024 of the Administrative Affairs Chamber of the Tbilisi Court of Appeal.

⁶ Article 2015 of the Law of Georgia “On Combating Corruption”, subsection “h” of the first paragraph.

⁷ Paragraph 2¹ of article 34¹ of the Organic Law of Georgia “On Political Unions of Citizens”.

⁸ Ibid, Paragraph 4 of Article 34¹.

⁹ Ibid, Article 7¹.

ing support for a specific political party”.¹⁰ Accordingly, applicable legal regulations regarding donations have been applied to its activities.

In addition, the Bureau requested information about the founders for the period from January 1 to July 26, 2024, during which “Choose Europe” had neither been established as a movement nor operated as a Non-Entrepreneurial (Non-Commercial) Legal Entity (NNLE).¹¹ Neither the Bureau nor the City Court provided a justification for requesting information about individuals or explained the relevance of such data for monitoring purposes. Additionally, the line between the civil movement as a legal entity and its founders is blurred.

In addition, according to the organic law “On Political Unions of Citizens”, the power of financial monitoring related to the transparency of income allowed by law should not be a tool to limit civil activism and freedom of expression.¹² In the disputed case, the court should have evaluated the matter within the framework of freedom of expression. However, based on the reviewed documents, neither the Anti-Corruption Bureau nor the court examined why the prohibitive rule regarding the restriction of civil activism and freedom of expression did not pertain to the activities of the civil movement “Choose Europe” and its associates. A crucial safeguard against potential overreach by the Anti-Corruption Bureau is the requirement for a mandatory appeal to the court as stipulated by the legislator, which compels the court to consider the case from this perspective.

Consequently, given the inadequate justification of the petition by the Anti-Corruption Bureau—an issue that could undermine public trust in the institution, particularly due to its lack of institutional independence—the court is expected to play a crucial role in maintaining balance and safeguarding rights through fair and impartial case consideration. Unfortunately, the court did not fulfill this responsibility, as it incorrectly assessed the petition, resulting in a decision grounded in the same flawed evaluation.

On September 12, the founders of “Choose Europe”—Nikoloz Shurgaia, Ivane Chkonia, and Giorgi Rukhadze—appealed the City Court’s order from September 6 to the Tbilisi Court of Appeal, seeking its cancellation. However, the Court of Appeal upheld the order, exceeding the legal bounds and establishing a troubling interpretation of the statute. According to the Tbilisi Court of Appeals, the term “declared election goal” should be understood “logically and systematically, rather than through a literal interpretation”.¹³ According to the Chamber’s definition,

¹⁰ Ibid, Clause 4 of Article 25.

¹¹ The civil movement “Choose Europe” is a registered Non-Entrepreneurial Non-commercial Legal Entity (NNLE), whose goal is to mobilize pro-Western voters, its activities include citizens throughout the country and representatives of the Georgian diaspora living abroad. see “President Salome Zourabichvili attended the presentation of the new civil movement “Choose Europe”, information portal “Civil.ge”, July 11, 2024, available at: <https://civil.ge/ka/archives/615971>, updated: 9.10.2024.

¹² Paragraph 6 of Article 26¹ of the Organic Law of Georgia “On Political Unions of Citizens”.

¹³ Order of the Administrative Affairs Chamber of the Tbilisi Court of Appeals dated September 17, 2024 on case No. 3b/2528-24.

the statements made by the members of the movement in media spaces or public meetings, including the presentation of the movement, are intended to “awaken the interest and hope of the populace for the defeat of a specific political party”. This constitutes clear pre-election political actions directed against a particular political party.¹⁴ It should also be noted that the court does not consider whether the movement had a declared desire to come to power, which is one of the fundamental parts of the definition of a subject with a “declared goal”.

This interpretation of the legal norm formed the basis for the Anti-Corruption Bureau’s decision on September 24, which classified the civil movement “Choose Europe” as a subject “with a declared electoral goal”. Consequently, the restrictions outlined in Chapter 3 of the Organic Law “On Political Unions of Citizens” were applied to both the movement and its founders.¹⁵

The case of “Transparency International - Georgia” and Eka Gigauri

In its second decision on September 24, 2024, the Anti-Corruption Bureau extended the restrictions outlined in Chapter 3 of the Organic Law “On Political Unions of Citizens” to the non-governmental monitoring organization “Transparency International - Georgia” and its executive director, Eka Gigauri.¹⁶

According to the Bureau’s rationale, “Transparency International - Georgia” and its executive director Eka Gigauri were distinguished by their campaign against the ruling party. Despite the absence of a declared intention to seek power, the Bureau adopted the standard set by the Court of Appeal in the “Choose Europe” case and arbitrarily interpreted the concept of “declared electoral goal”. Consequently, the Bureau designated the organization and its executive director as “persons with a declared electoral purpose”, thus imposing the requirement for them to register in the Anti-Corruption Bureau’s database and submit financial declarations akin to those mandated for political parties. On September 26, 2024, the organization filed an appeal against the decision of the Anti-Corruption Bureau in the Tbilisi City Court, seeking to annul the Bureau’s ruling. In addition to the annulment request, the organization also filed a petition to suspend the operation of the Bureau’s decision until the dispute was resolved in court.¹⁷ However, the City Court, in its ruling, rejected the petition on the grounds of unconvincing factual circumstances

¹⁴ Ibid.

¹⁵ Decision No. 03/029-24 of the head of the anti-corruption bureau of September 24, 2024, available at: <https://acb.gov.ge/ka/news/antikoruftsiuli-biuos-ufrosis-2024-tslis-24-sektembris-gadatsqvetileba-029>.

¹⁶ Decision No. 03/028-24 of the head of the anti-corruption bureau of September 24, 2024, available at: <https://acb.gov.ge/ka/news/antikoruftsiuli-biuos-ufrosis-2024-tslis-24-sektembris-gadatsqvetileba>.

¹⁷ “‘Transparency International - Georgia’ appealed the decision of the Georgian Dream Anti-Corruption Bureau in court”, official website of Transparency International - Georgia’s, September 26, 2024, available at: <https://transparency.ge/ge/post/saertashoriso-gamchvirvaloba-sakartvelom-kartuli-ocnebis-antikoruftsiuli-biuos-gadacqvetileba>, updated: 01.10.2024.

and presented materials.¹⁸ The organization said that, as a result of this decision, it would no longer be able to continue observing the elections on its own behalf.¹⁹

On October 1, 2024, in connection with this case, the Prime Minister of Georgia, Irakli Kobakhidze, called on the Anti-Corruption Bureau to exercise its legal discretion and reconsider its decision to grant the status of an entity with a “declared election goal” to the organization “Transparency International - Georgia” and its executive director, Eka Gigauri.²⁰ Also, refrain from granting this status to other organizations during the election period.²¹ The next day, in response to Irakli Kobakhidze’s statement, the head of the bureau revoked the status of the mentioned persons.²² Consequently, they were removed from all restrictions and obligations defined by Chapter 3 of the Organic Law “On Political Unions of Citizens”.

According to the Georgian Young Lawyers’ Association (GYLA), the Anti-Corruption Bureau’s decision to grant “Transparency International - Georgia” and its executive director, Eka Gigauri, the status of entities with a “declared electoral goal” was deemed illegal, because it did not correspond to the definition of this phrase “on the political union of citizens” defined by the organic law.²³ According to the organization, such an interpretation of the norm creates a dangerous precedent in terms of disproportionately restricting the freedom of speech and expression, especially when it comes to the election monitoring organization.²⁴

¹⁸ Decision No. 3/796-24 dated September 27, 2024 of the administrative affairs colleague of the Tbilisi City Court.

¹⁹ “Transparency International-Georgia: We will not be able to observe the elections on our behalf, we continue the individual fight to protect the votes”, Transparency International - Georgia’s official website, September 30, 2024, available at: <https://transparency.ge/ge/post/saertashoriso-gamchvirvalobasakartvelo-chveni-saxelit-archevnebs-ver-davakvirdebit-vagrzelebt>, updated: 01.10.2024.

²⁰ Official Facebook page of the Government of Georgia, October 1, 2024, available at: <https://www.facebook.com/GeorgianGovernment/posts/pfbid0ddgXjN36XYzTqVYig1eNC8t7BfXqdfZ9kHQdqYKf1zZZbPXzt26hzVngudsafszyl>, updated: 03.10.2024.

²¹ Ibid.

²² Briefing by the head of the Anti-Corruption Bureau, Razhden Kuprashvili, official Facebook page of the Anti-Corruption Bureau, October 2, 2024, available at: <https://www.facebook.com/100090428315724/videos/3859307714285208>, updated: 03.10.2024.

²³ “GYLA and Fair Elections Consider Anti-Corruption Bureau’s Decision Illegal,” Statement by GYLA and Fair Elections, Official Website of GYLA, 24 September 2024, available at: <https://gyla.ge/ge/post/saaida-samartliani-archevnebi-miichneven-rom-antikorufoცილი-ბიუროს-გადატყვეთილება-უკანონოა#sthash.TRmTGxrt.dpbs>, updated: 08.10.2024

²⁴ Ibid.

2. ELECTION ADMINISTRATION

2.1. Recruitment of district election commissions

The election legislation outlines that the District Election Commission is established based on a mixed principle, specifically utilizing a professional-political subtype model. The commission consists of no more than 17 members, with 8 members selected on professional grounds and appointed by the CEC. The remaining 9 members are appointed by political parties.²⁵ 5 professional members hold this position for a period of 5 years, and 3 - temporarily, until the announcement of the final results of the respective elections.²⁶ The selection competition for members of the District Election Commission is announced after the election is officially scheduled, and the deadline for submitting documents is 2 days after the announcement of the competition.²⁷ The legislation does not provide for the obligation to interview the candidates.

On August 27, the CEC announced the selection contest for temporary members in the district election commissions for the October 26, 2024 elections.²⁸ Applicants could submit relevant documents on August 28-29.²⁹ In GYLA's view, the deadline for conducting this competition is unreasonably tight, which may contribute to the low number of submitted applications. A total of 264 applicants registered for 219 available positions. However, one competitor was unable to correct an error, resulting in 263 individuals continuing to participate in the competition.³⁰

It is noteworthy that, compared to the general elections of 2021, the number of individuals wishing to participate in the competition has decreased by approximately 30%. In 2021, 377 applicants registered for 219 available positions.³¹

²⁵ The party is entitled to appoint a member of the District Election Commission if it has the right to appoint a member of the CEC. The party has the right to appoint 1 member of the CEC, if the party was registered by the chairperson of the CEC in order to participate in the elections of the Parliament of Georgia and it has the mandate of a member of the Parliament of Georgia. If the number of parties is more than 9, when appointing a member of the CEC, priority is given to the party that received more votes in the elections of the Parliament of Georgia. see Section 1 of Article 20 of the Election Code of Georgia.

²⁶ Article 19, Section 5 of the Election Code of Georgia.

²⁷ Ibid, Article 20, Section 12, Subparagraph "b".

²⁸ "Competition for the selection of temporary members of the District Election Commissions has been announced", the official website of the Central Election Commission of Georgia, available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033712-saolko-saarchevno-komisiebis-droebiti-tsevrebis-shesarchevad-konkursi-gamotskhadda>, updated: 10.10.2024.

²⁹ Ibid.

³⁰ "Today, the Central Election Commission will elect temporary members of the District Election Commissions for the October 26 elections", official website of CEC, available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033777-tsentralluri-saarchevno-komisia-tsесko-dghes-26-oktombris-archevnebisvis-saolko-saarchevno-komisiebis-droebiti-tsevrebs-airchevs>, updated: 10.10.2024.

³¹ "Statistical information regarding the election of temporary members of district election commissions", official website of the Central Election Commission, August 9, 2021, available at: <https://bit.ly/3DjOpUz>, updated: 04.10.2024.

According to CEC data, the number of candidate applications for the 3 vacant positions in each District Election Commission was as follows:

In 41 District Election Commissions, the selection process occurred without genuine competition, as exactly 3 applications were submitted for each of the 3 vacant positions; In 23 District Election Commissions, there were 4 applications for each of the 3 vacant positions; In 7 District Election Commissions, there were 5 applications for each of the 3 vacant positions; In 2 District Election Commissions, there were 7 applications for the 3 vacant positions.³²

Out of the 263 contestants, 135 agreed to participate in the interview process. Among these, 71 candidates consented to conduct the interview via the CEC's social media platform in LIVE mode.³³

13 members of the CEC took advantage of the opportunity to interview the contestants.³⁴

During the CEC session on August 31, several members of the election administration appointed by political parties expressed criticism regarding the candidate selection process.³⁵

Dissatisfaction was also expressed regarding the coordinated actions of some members of the commission.³⁶ Ana Kobakhidze, a representative of Agmashenebeli, claimed that some CEC members had prior knowledge of whom they were expected to support. She suggested that this contributed to the reluctance of many individuals holding certificates as election administration officers to participate in the competition.³⁷

The fact that the absolute majority of candidates were represented by persons employed in budgetary organizations (schools and self-government bodies) was also assessed as problematic by some of the members appointed from the opposition parties.³⁸

The representative of "United National Movement" Davit Kirtadze³⁹ and the representative of "European Georgia" Davit Jinjolava did not participate in the voting as a sign of protest.⁴⁰

³² Ibid.

³³ Ibid.

³⁴ Giorgi Sharabidze, Giorgi Javakhishvili, Giorgi Dzagania, Dimitri Javakhadze, Gia Tsatashvili, Giorgi Chikaberidze, Maia Zaridze, Archil Anasashvili, Giorgi Sioridze, Ana Kobakhidze, Ia Pirtakhia, Nino Basilaya and Levan Jgerenaia.

³⁵ Ana Kobakhidze, Davit Kirtadze, Giorgi Sioridze.

³⁶ CEC session, August 16, 2024, 1 hour 11 minutes, video recording, available at: <https://www.youtube.com/watch?v=2mgSozY1XbY&t=3516s>, updated: 10.10.2024.

³⁷ Ibid.

³⁸ Ibid, CEC session, August 31, 2024, video recording, available at: <https://www.youtube.com/watch?v=2mgSozY1XbY&t=3516s>; It should be noted that the election legislation does not recognize any restrictions/obstacles to the activities of the district or precinct election commissions regarding persons employed in budgetary organizations.

³⁹ Political union "United National Movement".

⁴⁰ Annex 1-2 of the minutes of the CEC meeting No. 20/2024 on August 31, 2024.

Out of the 217 candidates selected through the process, only 11 received support from two-thirds of the CEC members, which equates to 12 or more votes. In contrast, 207 candidates were selected by a majority of the full composition, receiving between 9 and 11 votes but failing to reach the two-thirds threshold.⁴¹ It should be noted that all the candidates who were supported by the appointed members of the “Georgian Dream” party were finally selected as members of the commission.

A total of 146 of the selected members received support from CEC professionals, members appointed by the ruling party, and at least one member appointed by an opposition party.

GYLA asserts the need to eliminate legislative barriers concerning the recruitment timelines for the District Election Commission. The selection competition should be announced prior to the official start of the campaign, with extended deadlines for receiving and reviewing applications. This extension would provide the commission with additional time to organize the interview process with candidates. Furthermore, interested individuals should be given adequate time to submit their applications for commission membership.

2.2. Recruitment of precinct election commissions

According to the legislation, the eight professional members of the Precinct Election Commission are elected by the respective district commission with a minimum of two-thirds approval from the full membership. This requires that at least three of the members elected by the CEC for a five-year term support the candidacy.⁴² If the candidate does not receive the necessary votes, the contestant who receives the majority of support from the full composition of the relevant election commission will be considered elected during the re-voting (requirement of support of 3 out of 5 permanent professional members applies here as well).⁴³ 9 members of precinct election commissions are appointed by political parties in this case as well.⁴⁴

In accordance with the changes adopted in December 2022, for the elections of October 26, the district election commissions selected not only the members of the precinct election commission,⁴⁵ but also their leaders.⁴⁶

For the elections of October 26, the precinct election commission⁴⁷ members⁴⁸ se-

⁴¹ Ibid.

⁴² Section 2 of Article 24 of the Election Code of Georgia.

⁴³ Ibid, Section 11 of Article 25.

⁴⁴ A total of 27,270 members. see: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvaneli-pirebistsevrebis-archevis-shesakheb>.

⁴⁵ A total of 15 150 members. see: Ibid.

⁴⁶ A total of 9090 managers. see: Ibid.

⁴⁷ A total of 3,030 polling stations. see: Ibid.

⁴⁸ 51 510 commission members. see: Ibid.

lection competition was announced on September 2.⁴⁹ Applications were accepted from September 2 to September 5, and most candidates were selected on September 7.⁵⁰ **The timeframes specified for disseminating information about the vacancies, reviewing the submitted applications, and making the corresponding decisions are unreasonably brief.**

According to the official data of the CEC, a total of 24,425 competitive applications were submitted for 24,240 vacant positions, including 9,111 competitive applications for 9,090 leadership vacancies, and 15,314 applications for 15,150 commission member vacancies.⁵¹ The presented data shows that the competition was held without real competition, which could be one of the reasons for the shortened deadlines.

It is recommended to extend both the application submission period and the processing time for candidates, ensuring that this timeline is independent of the official election announcement date. The document prepared by the Office of Democratic Institutions and Human Rights of the Venice Commission and the Organization for Security and Cooperation in Europe advocates for this approach, emphasizing that the deadlines for submitting and reviewing applications for membership in the Precinct Election Commission should be extended.⁵²

District election commissions elected 24,047 members of precinct election commissions. Re-competition was announced for 193 vacant positions.⁵³

The selection process for candidates incorporated the amendments made to the Election Code in December 2022, which introduced a certification requirement for professional members of the precinct election commissions. This is a significant development, as prior to this change, certification was only mandated for members

⁴⁹ Decree No. 77/2024 of the Central Election Commission of Georgia dated August 27, 2024 regarding the determination of the rules, conditions, terms, and selection procedure for the selection competition for heads and members of precinct election commissions created for the October 26, 2024 elections of the Parliament of Georgia and the midterm elections of the representative body of the municipality - Sakrebulo, available at: <https://cesko.ge/ge/kanonmdebloba/tsekos-samartlebriv-aqtebi/gankargulebebi/singleview/11033692-gankarguleba-772024-27082024>, updated: 10.10.2024.

⁵⁰ "The selection competition for heads and members of precinct election commissions has been announced", official website of the CEC, available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033849-saubno-saarchevno-komisiebis-khelmdzghvani-pirebisa-da-tsevrebis-shesarchevi-konkursi-gamotshadda>, updated: 10.10.2024.

⁵¹ "Information on election of heads/members of precinct election commissions", CEC official website, available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvani-pirebistsevrebis-archevis-shesakheb>, updated: 10.10.2024.

⁵² Joint Opinion on Draft Amendments to the Election Code and the Law on Political Associations of Citizens, Opinion No. 1107/2022, European Commission for Democracy through Law (Venice Commission), 19 December 2022, available at: [chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)047-e](chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)047-e).

⁵³ Information on the Selection of Heads/Members of Precinct Election Commissions," Official Website of the Central Election Commission (CEC), available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvani-pirebistsevrebis-archevis-shesakheb>, updated: 10.10.2024.

of the Central and District Election Commissions. The new regulations established two categories of certificates for members of the Precinct Election Commission: one for ordinary members and another for those in leadership roles (chairperson, deputy, secretary). However, there are some exceptions. For example, individuals who already hold a certificate as an election administration officer or as the head of a precinct election commission are exempt from obtaining additional certification. The legislation also provides for exceptional cases. Possession of a certificate is not required for members of precinct commissions created in special circumstances, representatives of precinct commissions operating abroad, and persons participating in the competition to replace a member whose authority has been terminated before the deadline.⁵⁴

During the selection process for the members of the election commissions, extended criteria regarding official incompatibility were also considered. This means that individuals were disqualified from being elected as members of the district and precinct election commissions if they had served as members of a commission appointed by a party in the last two elections, if they had run for office themselves, or if they had acted as a representative of an electoral entity. Additionally, any person who has contributed financially to any political party since the start of the last election year was also precluded from serving on the commissions.⁵⁵

2.3. Briefing of the CEC regarding complaints of the opposition party

On September 10, 2024, a briefing was held in the Central Election Commission,⁵⁶ which was related to the complaints filed on September 9, regarding the election of members and heads of precinct election commissions. A CEC representative stated that these complaints constitute a threat to the integrity of the election administration and, consequently, to the overall electoral environment, as they are perceived to exploit procedural mechanisms for disruptive purposes.⁵⁷ It should be noted that the complaints were similar to each other as they concerned the same type of alleged violation.

It is significant that at the time of the briefing, the CEC, as a collegial body, had not yet made a decision on the matter, with a session scheduled for September 11 to address the topic. During this session, the commission heard from representatives of the electoral subject and engaged in a question-and-answer session during the oral hearing.⁵⁸ The briefing conducted by the CEC the day prior, along with the pre-

⁵⁴ Article 17, Part 3, Sub-Clause E¹ of the Election Code of Georgia.

⁵⁵ Section 17¹ of Article 20 of the Election Code of Georgia.

⁵⁶ Briefing of the Central Election Commission, September 10, 2024, available at: https://www.facebook.com/watch/live/?ref=watch_permalink&v=1188067642276359, updated: 13.09.24.

⁵⁷ Ibid.

⁵⁸ Central Election Commission session, official Facebook page of CEC, available at: <https://www.facebook.com/CentralElectionCommissionOfGeorgia/videos/870494371343026>, updated 13.09.2024.

liminary assessment of the complaints, generated public expectations regarding the potential decision. The same thing was noted by the plaintiff.⁵⁹ According to him, due to the statement of the CEC, it was already clear to him what decision could have been made.⁶⁰

An effective appeals system is essential for maintaining the credibility of elections. Those with the right to appeal must feel assured that their complaints will be thoroughly examined by the review body. The mere similarity in content among complaints does not automatically render them groundless. The CEC should refrain from making public evaluations regarding submitted complaints before considering them, as this may have a chilling effect on other subjects who want to appeal to it with a complaint, as well as create a feeling that the election administration will be biased while deciding the election disputes.

2.4. Announcement of review of cooperation with the media by the chairperson of the CEC

The Chairperson of the CEC held a briefing on September 12, 2024.⁶¹ It was related to the processing of personal data of CEC employees by the media.⁶² The chairman of the CEC noted that the processing of data was probably done illegally and linked this fact to the attempt to discredit the CEC.⁶³ At the same briefing, he said that if this continues, he will reconsider the cooperation with a particular media.⁶⁴

The head of the information service at “TV Pirveli” viewed this statement as a potential threat⁶⁵ and requested a clear clarification regarding the phrase “review of cooperation”.⁶⁶

Following the briefing, the chairperson of the CEC posted an explanation on his Facebook page, shifting the focus from personal data processing to characterizing the media’s actions as an “unethical attempt to obtain information” and a form of pressure on the administration.⁶⁷ However, he also clarified that the term “review of cooperation” did not imply the cancellation of accreditation.⁶⁸

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Briefing of the Chairperson of the Central Election Commission, September 12, 2024, official Facebook page of CEC, available at: <https://www.facebook.com/CentralElectionCommissionOfGeorgia/videos/1908075229680674>

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Nodar Meladze - CEC Chairperson puts pressure on “Saturday Broadcast” team, BMG website, September 12, 2024, available at: <https://bm.ge/news/nodar-meladze-tsesko-s-tavmjdomare-shabatis-eteris-gundze-zetsolas-akhdens>, updated 13.09.2024.

⁶⁶ Ibid.

⁶⁷ Facebook page of Giorgi Kalandarishvili, available at: <https://www.facebook.com/GiorgiKalandarishviliofficial/posts/pfbid0ZumtoACrpVDj6MsbcaE5kj6LPWudZybtC8YznVNoMajgWtABRTeg-DGDYmf78K9Q9l>, updated: 13.09.2024.

⁶⁸ Ibid.

The “Charter of Journalistic Ethics” responded to the mentioned fact and assessed it as an attempt to impose censorship on journalistic activity.⁶⁹

GYLA asserts that such statements from the CEC chairman directed at the media are inappropriate. Proper media coverage is vital for the credibility of elections, which is why transparency is one of the fundamental principles outlined in the Election Code.⁷⁰ Statements of this nature undermine the election environment and hinder the media’s primary role of informing the public. This not only affects the flow of information but also erodes trust in the electoral process.

2.5. The Incident Related to the Employees of the CEC

On September 10, 2024, a briefing was held in the CEC, where the deputy chairman of the CEC, Giorgi Sharabidze, made a statement regarding the threats and pressure applied to the employees of the election administration.⁷¹ According to the statement, a member of the political council of “Unity - National Movement” verbally insulted CEC employees, “exerted pressure, and attempted to distort the real facts in the presence of the media”.⁷²

Along with the statement of the CEC, a story showing the said incident is spread in the media.⁷³ The story reveals that after the trial, in the court’s yard, Lasha Parulava, a member of the political council of “United National Movement”, called the election administration employees “evildoers” and “Ivanishvili’s sycophants”. He also said that they would “follow the political leadership to the grave”.⁷⁴

Although civil servants are often required to exhibit a higher level of tolerance than others, their duty of tolerance cannot be equated to that of individuals in positions of power or politicians.⁷⁵

⁶⁹ The Charter of Journalistic Ethics Responds to CEC Chairman’s Pressure on the Media and Attempt to Censor Journalism, Charter’s Official Website, September 12, 2024, available at: <https://www.qartia.ge/siakhleebi/article/98320-zhurnalsturi-ethikis-qartia-ceskos-thavmjdmaris-mkhridan-mediaze-gankhorciebul-zetsolasa-da-zhurnalstur-saqmianobaze-cenzuris-datsesebis-mcdelobas-ekhmaureba>, updated: 13.09.2024.

⁷⁰ Article 4 of the Election Code of Georgia.

⁷¹ Statement of the CEC “Statement of the Election Administration on Threats and Pressure on Employees”, CEC website, September 9, 2024, available at: <https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11033957-saarchevno-administratsiis-gantskhadeba-tanamshromlebis-mimart-gankhortsielebul-mukarasa-da-zetsolaze>, updated: 11.09.2024.

⁷² Ibid.

⁷³ “There was noise near the city court The judge did not accept the lawsuit of “Fair Elections” regarding the opening of polling stations abroad”, the official Facebook page of “Mtavari Channel” television company, September 8, 2024, available at: <https://www.facebook.com/watch/?mibextid=oFDknk&v=1198026788128338&rdid=X3GGbTbe6Q4FW2v7>, updated: 11.09.2024.

⁷⁴ Ibid.

⁷⁵ Janowski v. Poland [GC], app. no. 25716/94, 1999, § 33; Mariapori v. Finland, app. no. 37751/07, 2010, § 56; Nikula v. Finland, app. no. 31611/96, 2002, § 48; Balaskas v. Greece, app. no. 73087/17, 2020, §§ 48, 50-51, Milosavljević v. Serbia, app. no. 57574/14, 2021, § 60.

The implementation of such actions by political party representatives against election administration employees can have a detrimental effect on the election process. While the expressed phrases cannot be evaluated as threats or any type of legal violation, it is advisable for representatives of political parties to refrain from such actions towards public officials.

2.6. Opening of Polling Stations Abroad

The deadline set by the Election Code for opening precincts outside the borders of the country expired on September 26.⁷⁶ On the same day, 60 polling stations were opened in 53 cities across 42 countries abroad for the upcoming October 26 elections, as outlined in the annex to the decree adopted during the CEC session.⁷⁷ At the session, Davit Kirtadze, the representative of the “National Movement”, presented an alternative proposal,⁷⁸ requesting the opening of additional election precincts in cities⁷⁹ with a significant number of Georgian citizens. However, the majority of the CEC members did not support Kirtadze’s proposal, leading to its rejection by the commission.⁸⁰

On September 26, all extraterritorial polling stations were opened in existing diplomatic and consular institutions.⁸¹ Thus, the state did not share the concerns of some Georgian citizens living abroad.

According to the Election Code, the CEC establishes polling precincts abroad for Georgian citizens, provided there are at least 50 and no more than 3,000 registered voters. These precincts are created based on voter data supplied by the Ministry of Foreign Affairs and must be established no later than 30 days prior to Election Day.⁸² When providing information, the Ministry of Foreign Affairs relies on data from eligible voters listed in the consular register. However, current legislation allows the CEC to independently request the Ministry to open additional temporary consular institutions as needed, enabling the establishment of election precincts in those locations. This is particularly significant for countries with large immigrant populations, as it is essential for the state to maintain an active and close connection with its citizens. Electoral participation is crucial in this context, as it empowers

⁷⁶ Section 7 of Article 23 of the Election Code of Georgia; Decree of the CEC No. 79/2024.

⁷⁷ Decree No. 191/2024 of the Central Election Commission of Georgia of September 26, 2024, Annex, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebrivi-aqtebi/gankargulebebi/singleview/11034215-gankarguleba-1912024-26092024>, updated: 10.10.2024.

⁷⁸ CEC session, September 26, 2024, video recording, available at: https://www.youtube.com/watch?v=hidz10_WoFU&t=2578s.

⁷⁹ Arnedo - Spain; Valencia - Spain; Cincinnati - USA; Lodz - Poland; Lecce - Italy; Naples - Italy; Toronto - Canada; Miami - USA; Hamburg - Germany; Strasbourg - France.

⁸⁰ 6 members of the CEC supported the alternative proposal.

⁸¹ Decree No. 191/2024 of the Central Election Commission of Georgia of September 26, 2024, Annex, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebrivi-aqtebi/gankargulebebi/singleview/11034215-gankarguleba-1912024-26092024>, updated: 8.10.2024.

⁸² Section 7 of Article 23 of the Election Code of Georgia.

citizens to engage actively in shaping the political landscape of their home country. According to international experience, polling stations outside the borders of the country are opened mainly in diplomatic institutions,⁸³ although there is a practice where election stations can also be opened outside these institutions. Such precincts are conventionally called “neighborhood precincts”.⁸⁴ To streamline the voting process, these types of precincts are frequently established in areas with a high concentration of voters, particularly in locations that are far from the country’s official diplomatic missions.⁸⁵

CEC plays a crucial role in the process of establishing polling districts abroad. As an independent state body, the CEC is responsible for overseeing the administration of elections in Georgia. This responsibility encompasses promoting fair and free elections while also safeguarding every citizen’s right to vote, both within the country and abroad.

According to the existing practice in Georgia, election precincts abroad are opened on the territory of consular or diplomatic missions.⁸⁶ The decision on the opening of consular institutions is made by the Minister of Foreign Affairs.⁸⁷ However, if the CEC becomes aware that there is a sufficient number of Georgian citizens on consular registration in a foreign territory lacking consular or diplomatic representation, it, as the protector of the electoral rights of all citizens, has the authority to proactively request the opening of a precinct from the Ministry of Foreign Affairs a reasonable time before of the elections.

The CEC was informed about the need to open districts abroad more than once by the citizens themselves, as well as by the President of Georgia and other parties involved in the process.⁸⁸ Georgian citizens residing in various cities abroad, particularly those whose homes were far from the country’s diplomatic missions, organized themselves to collect evidence confirming their registration on the consular register.⁸⁹ According to this data, the number of registered immigrants in each of

⁸³ Wellman, Allen, and Nyblade, *The Extraterritorial Voting Rights and Restrictions Dataset (1950–2020)*.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ “Giorgi Kalandarishvili - the organization of election precincts abroad was seen as manipulative, which led to the formation of many myths and misinformation”, the official website of the Georgian Public Broadcaster, September 24, 2024, available at: https://1tv.ge/news/giorgi-kalandarishvili-sazghvargaret-saarchevno-ubnebis-organizeba-manipulaciurad-warmochinda-ramac-araerti-mitis-tu-dezinformaciis-formirebagamoiwvia/?fbclid=IwY2xjawFx7_BleHRuA2FlbQIxMAABHa_dHQoJTDTZ4uFHf_4SrJRRckPaNBbK1cwwsvqPmFd4nDa54ZD8mirsbw_aem_7fuFno5dIMJjqrZEmWaDaQ, updated: 10.08.2024.

⁸⁷ Resolution No. 206 of the Government of Georgia on the approval of the regulations of the Ministry of Foreign Affairs of Georgia, adopted on November 16, 2005, paragraph 6 of Article 8.

⁸⁸ The President met with the Chairman of the CEC and NGOs regarding the opening of additional election precincts abroad, official website of “Euronews”, March 29, 2024, available at: <https://euronewsgeorgia.com/2024/03/29/prezidenti-ceskos-tavmjdomaresa-da-arasamtavroboebs-shekhvda-sazgvargaret-damatebiti-saarchevno-ubnebis-gakhsnis-taobaze/>, updated: 08.10.2024.

⁸⁹ The decision of the Tbilisi City Court of September 30, 2024.

these cities exceeded 50. Citizens submitted the information they gathered in May, August, and September 2024 to the CEC to request the opening of electoral precincts. In response to their appeals, the chairman of the CEC stated on September 5 that the election administration could not fulfill this request, citing the lack of a legal requirement for the CEC to process and respond to such information.

In this context, on September 7, the organization “International Society for Fair Elections and Democracy” filed a lawsuit with the Tbilisi City Court. This action was based on letters from the chairman of the CEC addressed to Georgian citizens living abroad who are on consular registration. The court halted the proceedings, stating that the CEC had until September 26, 2024, to decide on the opening of electoral precincts. It clarified that the letters from the chairman of the CEC could not be considered official decisions regarding the establishment of election precincts in other states. The court also emphasized that while the CEC is legally obligated to create electoral precincts abroad, the choice of locations for these precincts remains within its discretionary authority.

Given that the Ministry of Foreign Affairs did not demonstrate the necessary political will to establish temporary consular institutions for the purpose of opening election precincts abroad, the CEC had a responsibility to act proactively. It should have taken into account the expressed wishes of Georgian citizens and, in line with the voters’ interests, requested the Ministry to facilitate the creation of these precincts. Such a move by the CEC would have ensured that citizens living abroad could exercise their right to vote, thereby supporting the commission’s primary goal of safeguarding the electoral rights of all citizens.

GYLA believes that the current legal framework permits the opening of additional polling stations abroad at the initiative of the CEC. As the state body responsible for safeguarding citizens’ electoral rights, the CEC had a duty to ensure that Georgian citizens, including those living abroad, had access to participate in the elections. To achieve this, the CEC needed to actively collaborate with relevant state agencies, particularly the Ministry of Foreign Affairs, to guarantee the practical realization of Georgian citizens’ voting rights.

In connection with this case, GYLA learned that one of the lecturers warned students that participation in the event would directly affect their academic evaluation.

According to the Criminal Law Code of Georgia, offering, promising, or transferring any kind of advantage to a person with the intent to influence their vote constitutes voter bribery.⁹²

According to GYLA, law enforcement bodies should take an active interest in the case, respond promptly, and ensure that the public is informed in a timely manner.

3.2. „City of Dream“

Three 12-story buildings were built in Batumi, the “City of Dreams”.⁹³ The process of handing over apartments started on June 5, and around 600 families received new housing.⁹⁴ In the months of August and September, the process of signing the ownership of the apartments was underway.⁹⁵ During this period, there was also a significant effort to register the addresses of individuals still residing in barrack-type dwellings.⁹⁶

Reports indicate that “coordinators” from the ruling party were actively involved in these processes, organizing the transportation of citizens to the houses of justice and managing the documents issued there.⁹⁷

Notably, as a result of these processes, at least 900 voters were added to the 58th polling station in the Batumi electoral district, causing the total number of voters to exceed 3,000. Consequently, this necessitated the establishment of a new district.⁹⁸

GYLA asserts that the registration of new apartments for hundreds of families, along with the registration of thousands of individuals⁹⁹ awaiting new housing, raises several concerns. Furthermore, the involvement of the ruling party’s coordinators in organizing these processes and their confiscation of documents issued by the Ministry of Justice exacerbates these issues. This situation could be viewed

⁹² Article 164¹ of the Criminal Code of Georgia.

⁹³ “About 600 families were given new apartments in Batumi, the “City of Dreams”, “Imedi News” information portal, June 5, 2024, available at: <https://shorturl.at/Qilij>, updated: 10.10.2024.

⁹⁴ Ibid.

⁹⁵ On this issue, GYLA appealed to the relevant agency, but has not received a response so far. see Coordinator of “Georgian Dream” on the new scheme - who is being taken from the “City of Dreams” to the public register and for what purpose”, information portal “Batumelebi”, September 6, 2024, available at: <https://batumelebi.netgazeti.ge/archevnebi/543449/>, updated: 10.10.2024.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ CEC session, September 14, 2024, video recording available at: <https://www.youtube.com/watch?v=B-IG3FzqmIo&t=3194s>.

⁹⁹ “About 600 families were given new apartments in the “City of Dreams” in Batumi”, “Imedi News”, June 5, 2024, available at: <https://shorturl.at/Qilij>, updated: 10.10.2024.

as a form of pre-election manipulation, wherein the challenging social conditions faced by citizens are exploited for electoral gain, with party coordinators influencing their decisions. Moreover, the timing of these large-scale projects just before an election raises concerns that beneficiaries may feel compelled to express their gratitude to the ruling party at the polls. Such practices violate the principle of separating party and administrative resources, thereby giving the ruling party an unfair advantage over its competitors.

3.3. Mobilization of persons employed in budgetary institutions at the election events of the ruling party in Ozurgeti

Footage shows civil servants and employees of local non-commercial legal entities (NNLEs) gathering on August 31 at a “Georgian Dream” pre-election campaign event in Ozurgeti.¹⁰⁰ In a report by the TV company “Pirveli”, employees of the Lanchkhuti municipality’s cleaning service stated that they received directives from their supervisor to participate in the “Georgian Dream” party event.¹⁰¹ Their transportation was provided by the service itself.¹⁰² According to the mentioned persons, the cleaning service of Lanchkhuti was “fully” represented at the rally.¹⁰³

According to the Election Code of Georgia, it is forbidden to engage a subordinate or otherwise dependent person in such activities that contribute to the nomination and/or election of a candidate.¹⁰⁴

GYLA filed a complaint with the Lanchkhuti District Election Commission regarding the aforementioned incident. In response, the commission initiated administrative proceedings and sent inquiries to both the City Hall of Lanchkhuti Municipality and the NNLE Lanchkhuti Municipality Improvement and Service Center, seeking their opinions on the circumstances outlined in the complaint.¹⁰⁵ In the response letter, both agencies denied the circumstances mentioned in the complaint.¹⁰⁶

Based on the information provided, the District Election Commission concluded that there were no legal grounds to issue protocols for administrative violations against the individuals mentioned in the complaint.¹⁰⁷

¹⁰⁰ “Cleaning Service brought us, if we hadn’t come, there would probably have been a fine” - who was mobilized by “Georgian Dream” at the party meeting”, official website of TV “Pirveli”, August 31, 2024, available at: https://tvpirveli.ge/ka/siaxleebi/sazogadoeba/79037-dasuptavebam-tsamogvikvanarom-ar-tsamovsulikavit-albat-jarima-iqneboda-vin?fbclid=IwY2xjawFWOuJleHRuA2FlbQIxMAABHbaAdc3mcwFfoliZIRf8Z3KxH_qi5sFkdEdbRnw-KXOSHM4K0azafIJKA_aem_H8roA892gtkxxzqaypi_AQ&mibextid=xfxF2i, updated: 10.10.2024.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Article 49, Section 1, Sub-Clause “A” of the Election Code of Georgia.

¹⁰⁵ Letter No. 61/28 of the District Election Commission of Lanchkhuti No. 61 dated September 3, 2024.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

Similar cases indicate the potential misuse of administrative resources by the ruling party, which undermines the principle of separation between party and administrative functions.

3.4. Possible cases of using administrative resources at the regional event of the “Georgian Dream” election campaign in Rustavi

On September 19, 2024, the “Georgian Dream” party held a regional election campaign event in Rustavi, where party leaders addressed the residents of Kvemo Kartli.¹⁰⁸ According to information obtained by the GYLA observation mission, it appears that Kvemo Kartli municipalities may have used administrative resources for election purposes to facilitate participation in the event.

Early end of the working day of kindergartens in the territory of Marneuli and Tsalka municipalities

Reports circulated on social media and online platforms indicating that kindergartens in Marneuli and Tsalka closed early on September 19, 2024, at 1:00 PM. Parents of kindergarteners were informed of this decision by the teachers. An anonymous post in the “Tsalkalebi” Facebook group claimed that children were released early so that educators and teachers could escort them to the “Georgian Dream” regional event in Rustavi.¹⁰⁹ In response to the incident, GYLA sent a letter to the Tsalka Municipality City Hall. However, the municipality stated in their reply that the kindergartens did not close early on September 19.¹¹⁰

A similar case was observed in kindergartens of Marneuli municipality. Kindergarten teachers and head of kindergartens asked parents to take their children soon - before 2:00 PM.¹¹¹ Various kindergartens provided differing explanations for the early closure of the working day, citing reasons such as water shortages or staff training sessions.¹¹² In its explanation to GYLA, the Association of Kindergartens (Preschool Education Center) in Marneuli municipality stated that on September

¹⁰⁸ Leaders of “Georgian Dream” met citizens in Rustavi”, information portal “Euronews”, September 20, 2024, available at: <https://euronewsgeorgia.com/2024/09/20/qartuli-ocnebis-liderebi-rustavshimoqalaqeebs-shekhvdnen/>, updated: 25.09.2024.

¹⁰⁹ “Mobilized administrative resource and people brought from the region: “Georgian dream” in Rustavi”, information portal “QvemoQartli.ge”, September 20, 2024, available at: https://qvemoqartli.ge/%e1%83%9b%e1%83%9d%e1%83%91%e1%83%98%e1%83%9a%e1%83%98%e1%83%96%e1%83%94%e1%83%91%e1%83%a3%e1%83%9a%e1%83%98-%e1%83%90%e1%83%93%e1%83%9b%e1%83%98%e1%83%9c%e1%83%98%e1%83%a1%e1%83%a2%e1%83%a0%e1%83%90/?fbclid=IwY2xjawFal9JleHRuA2FlbQlxMAABHYA4E2I8wknZPvhyinnDtgtBXaCjvtacFaXBc_7FQ6lvrvKEn-Q1hPaxvsQ_aem_BAJ38x4UPI5eAm9ThTc4Kw, updated: 25.09.2024.

¹¹⁰ Letter N118-118242708 dated September 26, 2024 of Tsalka Municipality City Hall.

¹¹¹ “There will be no water, we have trainings - Ivanishvili’s visit to Rustavi and early closing of Marneuli kindergartens”, information portal “Radio Marneuli”, September 19, 2024, available at: <https://www.marneulifm.ge/ka/marneuli/article/87686--tsyali-ar-iqneba-treningebi-gvaqvs-ivanishvilis-vizitirusthavshi-da-marneulis-baghebis-droze-adre-daketva>, updated: 25.09.2024.

¹¹² Ibid.

19, the kindergartens closed at 17:30 instead of the usual 18:00 due to scheduled sanitary work.¹¹³

The mentioned case may represent the use of administrative resources for party purposes by municipal bodies and NNLEs.

- A call by an employee of NNLE Rustavi Corps to the chairmen of condominium associations to participate in the action

During the party event on September 19, 2024, there were reports of the mobilization of the so-called chairpersons of apartment owners' cooperatives from residential buildings in Rustavi. Specifically, allegedly employed at one of the municipal enterprises of the Rustavi City Hall, namely at NNLE Rustavi Corps,¹¹⁴ the coordinator of the 4th district,¹¹⁵ - Tamar Tomashvili was urging the so-called "chairpersons of the corps" to participate in the event and requested them to bring two additional people.¹¹⁶ For this purpose, Tomashvili requested the personal information of the participants - name, surname, personal number and phone number.

According to the information of GYLA, the chairpersons of the NNLE Rustavi Corps are employed by contract.¹¹⁷ Although their monthly salary is not specified, the "active chairpersons" receive financial incentives once per quarter, not exceeding 500 GEL, within the framework of the apartment owners cooperatives Strengthening Program.¹¹⁸ As a result, they can be viewed as individuals who are socially or economically connected to the mentioned NNLE, receiving certain benefits from local government.

According to the Election Code of Georgia, it is forbidden to involve a subordinate or otherwise dependent person in party events.¹¹⁹

¹¹³ Letter of October 4, 2024 of the Association of Kindergartens (Preschool Education Center) in the territory of Marneuli No. 13-322427883.

¹¹⁴ N(N)LE Rustavi Corps was established in 2010 and its main directions are the promotion of the formation of condominiums, their legal consultation, their development with appropriate programs, etc. In addition, see <https://rustavi.gov.ge/aaip-rustavis-korpusi/>.

¹¹⁵ According to the information of GYLA, for the purposes of the activities of the " N(N)LE Rustavi Corps, the city is divided into unofficial territorial units - districts, which have a coordinator employed by the N(N)LE. It is with them that the chairmen of the condominium associations have direct communication.

¹¹⁶ "Mobilized administrative resource and people brought from the region: "Georgian dream" in Rustavi", information portal "QvemoQartli.ge", September 20, 2024, available at: https://qvemoqartli.ge/%e1%83%9b%e1%83%9d%e1%83%91%e1%83%98%e1%83%9a%e1%83%98%e1%83%96%e1%83%94%e1%83%91%e1%83%a3%e1%83%9a%e1%83%98-%e1%83%90%e1%83%93%e1%83%9b%e1%83%98%e1%83%9c%e1%83%98%e1%83%a1%e1%83%a2%e1%83%a0%e1%83%90/?fbclid=IwY2xjawFal9JleHRRuA2FlbQIxmAAABHYA4E2I8wknZPvhyndDtgtBXaCjvtacFaXbc_7FQ6lvrvKEn-Q1hPaxvsQ_aem_BAJ38x4UPI5eAm9ThTc4Kw, updated: 25.09.2024.

¹¹⁷ It became known to GYLA that the chairpersons of apartment owners' associations are elected by the population of the building with a majority of 2/3, and after that they are considered as employees of NNLE.

¹¹⁸ Letter No. 601 of October 17, 2024, from NNLE "Rustavi Corps".

¹¹⁹ Sub-Clause "A" of Section 1 of Article 49 of the Election Code of Georgia.

The request made to the chairpersons of Rustavi apartment owners’ cooperatives to participate in the party event, along with the additional task of mobilizing voters, may constitute the use of administrative resources and official positions for electoral purposes.

3.5. An appeal by an employee of the Rustavi Municipal Enterprise NNLE “Rustavi Corps” to the chairpersons of the homeowners’ associations

According to GYLA’s information, on September 27, 2024, Tamar Tomashvili, the coordinator of the 4th district of NNLE “Rustavi Corps”, instructed the chairperson of a building in a “common chat” to mobilize 15 individuals who would vote for the ruling party in the elections. This was described as their “new assignment”. The chairperson was required to compile a list of these individuals on a “special letter-head form” and deliver it to the chief of staff of “Georgian Dream”.

3.6. “Georgian Physical Education and Sports State Training Center” sharing a post supporting the “Georgian Dream” delegation candidate

On September 5, 2024, the “International Society for Fair Elections and Democracy” filed a complaint with the CEC.¹²⁰ The complaint addressed the use of administrative resources during the pre-election period. Specifically, on August 30, a photo of Vladimir Bozhadze along with a supportive post was published on the official Facebook page of the “Georgian State Training Center for Physical Education and Sports”.¹²¹ It is important that on August 23, Georgian Dream presented Bozhadze as a Tbilisi delegate.¹²²

CEC did not satisfy the complaint.¹²³ The refusal to draw up an administrative offense protocol was based on the fact that “Georgian Dream” had not yet officially registered its party list. Political parties had until September 26 to submit their lists.¹²⁴ According to the CEC’s reasoning, Vladimir Bozhadze, an employee of the LEPL State Training University of Physical Education and Sports of Georgia, was not a candidate for election subjectivity at the time the post was shared. Therefore, there was no basis for alleging the illegal use of administrative resources by the university.

¹²⁰ Complaint of the International Society for Fair Elections and Democracy dated September 5, 2024, available at: <https://sachivrebiapi.cec.gov.ge/api/file/DownloadFile?id=08eb4dfa-0f92-4693-88d2-8d0aa011bc56>, updated: 17.09.2024.

¹²¹ The official Facebook page of the University of Sports, August 29, 2024, available at: <https://www.facebook.com/photo.php?fbid=1034848498432694&set=pb.100057226609550.-2207520000&type=3>, updated: 17.09.2024.

¹²² “Georgian Dream” presented delegates in Tbilisi districts”, information portal “Radio Freedom”, August 23, 2024, available at: <https://www.radiotavisupleba.ge/a/33089621.html>, updated: 17.09.2024.

¹²³ Decision No. 01-02/1422 of CEC of September 14, 2024, available at: <https://sachivrebiapi.cec.gov.ge/api/file/DownloadFile?id=77812ff1-ca3d-4f5c-81e4-897911ae9ddb>, updated: 17.09.2024.

¹²⁴ Section 7 of Article 115 of the Election Code of Georgia.

According to GYLA, this interpretation of the norm restricts the scope of what constitutes illegal use of administrative resources during the pre-election period¹²⁵ and, in effect, it provides the ruling party with greater opportunities to leverage state resources for electoral advantage. Moreover, this interpretation of the norm allows any individual already affiliated with a political party and publicly announced as a candidate on the party list to circumvent the restrictions imposed by the Election Code regarding the use of administrative resources.

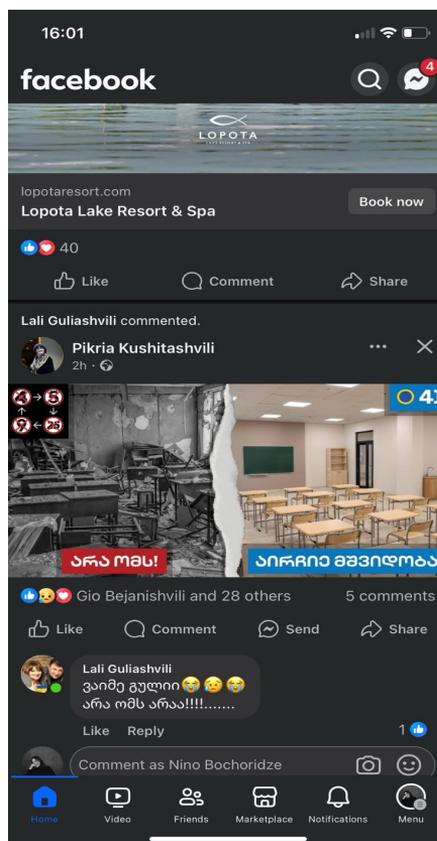
GYLA emphasizes that the Central Election Commission should adopt a broader interpretation of the norm, aligning with its intended purpose. The primary aim of prohibiting the use of administrative resources is to prevent the ruling party from securing an undue advantage through its concentration of power.

GYLA calls on the ruling party to refrain from utilizing administrative resources for electoral purposes, while urging the CEC to conduct more thorough investigations into such cases and to actively work towards preventing the misuse of administrative resources in the electoral process.

3.7. Agitation by the deputy mayor of Telavi during working hours

On September 26, 2024, the deputy mayor of Telavi, Pikria Kushitashvili, shared a post supporting the ruling party during working hours, which also indicated the Georgian Dream party number.

According to the Election Code, individuals authorized to engage in campaigning are prohibited from conducting pre-election activities during working hours and/or while fulfilling their official duties.¹²⁶



¹²⁵ The official election campaign started on August 27, and the deadline for submission of party lists ends on September 26.

¹²⁶ Article 49 of the Election Code of Georgia, Section 1, Subparagraph “C”.

4. ALLEGEDLY POLITICALLY MOTIVATED VIOLENT ACTIONS/INTERFERENCE IN AGITATION

With the beginning of the pre-election period, the incidents of violence, verbal confrontations and interference in the campaign increased.

GYLA identified violent acts with signs of criminal offenses in several regions. The documented cases include incidents of physical violence, damage to property, interference with political campaigns, and other alleged crimes. To ensure a fair and free pre-election environment, it is crucial that political parties are able to meet with voters and conduct their activities in a peaceful, non-violent atmosphere, where both participants and candidates feel secure.

4.1. Cases of Physical Violence

Attack on the representatives of the “Strong Georgia” coalition

On September 8, representatives of the “Strong Georgia” coalition met the residents of Kareli within the framework of the election campaign, where they were attacked.¹²⁷ According to the representative of the coalition, Grigol Gegelia, the incident first started with verbal abuse, and then turned into a physical altercation.¹²⁸ According to the coalition, they also know the identity of the attacker.¹²⁹ According to Lana Galdava, a member of the political union, despite the presence of a patrol police crew at the scene, there was no response or intervention from their side during the incident.¹³⁰

GYLA addressed the Ministry of Internal Affairs regarding the ongoing investigation of this incident. According to the information provided by the agency, the Ministry initiated an investigation under Article 126 of the Criminal Code, which pertains to violence.¹³¹ The investigation is still ongoing.

According to GYLA, these incidents may exhibit signs of politically motivated violence, which constitutes a criminal offense.

¹²⁷ “According to Grigol Gegelia, the representative of “Strong Georgia” was attacked in Kareli”, information portal “Radio Tavisupleba”, September 8, 2024, available at: <https://www.radiotavisupleba.ge/a/33111613.html>, updated: 11.09.24.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ According to “Strong Georgia”, an employee of the NNLE and the wife of the deputy governor of Kareli attacked activists, website of Shida Kartli Information Center, September 8, 2024, available at: <https://www.qartli.ge/ge/akhali-ambebi/article/21803--dzlieri-saqarthvelos-cnobith-qarelshi-aipis-thanamshromeli-da-gamgeblis-moadgilis-meughle-aqtivistebts-thavs-daeskhnen>, updated: 11.09.24.

¹³¹ Letter from the Ministry of Internal Affairs dated October 10, 2024.

Attack on Ana Tsitlidze, a member of the United National Movement

According to Ana Tsitlidze, chairperson of the Zugdidi organization of the “United National Movement”, on September 19, activists of the “Georgian Dream” were attacked during the election campaign in Zugdidi.¹³² According to her, the violence persisted across several episodes, during which she herself, as a Member of Parliament, was physically assaulted. Reports also indicate that Beka Partsvania, a member of the youth wing of the party who was accompanying them and participating in the campaign, was likewise affected.¹³³

In the material distributed by the media, it can be seen how Ana Tsitlidze is being physically abused.¹³⁴ Also, footage of a physical confrontation can be seen.¹³⁵

The Zugdidi delegate of “Georgian Dream” responded to the fact. He first published a statement on social media¹³⁶ and then held a briefing.¹³⁷ According to his explanation, the representatives of the “National Movement” first verbally insulted the internally displaced persons (IDPs) gathered at the location, followed by physical assaults.¹³⁸

According to the information provided by the Ministry of Internal Affairs to GYLA, an investigation was initiated into the incident on the grounds of group violence.¹³⁹ Currently, the criminal investigation is still ongoing.¹⁴⁰

Exceeding official authority by a police officer

On September 16, the “United National Movement” party claimed that the police used force against one of their members.¹⁴¹ According to the “United National Movement”, Zurab Abaev has been severely beaten.¹⁴² According to the lawyer and

¹³² “According to Ana Tsitlidze, “Georgian Dream” activists were attacked in Zugdidi”, website of Radio Tavisupleba, September 19, 2024, available at: <https://www.radiotavisupleba.ge/a/33126756.html>, updated: 23.09.2024.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ David Kodua’s official Facebook page, September 19, 2024, available at: <https://www.facebook.com/GDDavitKodua/posts/pfbid0eEQUokj7qQHKLW6QHxmtz74SRkJKrbmQWTs4i18L9TmzUffgzDNhp9PXUsnZuQmZl>, updated: 23.09.24.

¹³⁷ David Kodua’s official Facebook page, September 20, 2024, available at: <https://www.facebook.com/GDDavitKodua/videos/1299078917724581>, updated: 23.09.24.

¹³⁸ Ibid.

¹³⁹ Article 126, Part 1, Subparagraph «b» of the Criminal Code of Georgia.

¹⁴⁰ Letter from the Ministry of Internal Affairs dated September 10, 2024.

¹⁴¹ “In the ‘United National Movement’, they claim that the police used force against a member of their party,” information portal ‘Radio Tavisupleba’, September 16, 2024, available at: <https://www.radiotavisupleba.ge/a/33121886.html>, updated: 18.09.24.

¹⁴² “According to the opposition, Zurab Abaev, a member of the Nationalist Party of Ukraine, was severely beaten,” information portal On.ge, September 16, 2024, available at: <https://go.on.ge/3m5o>, updated: 18.09.24.

eyewitnesses, the police first beat Abaev and then arrested him.¹⁴³ Later, due to his injuries, he was transferred from the police station to the hospital.¹⁴⁴ According to the Ministry of Internal Affairs, law enforcement officials stopped the party member for verification, during which Abaev resisted the police.¹⁴⁵ As a result, he was arrested for petty hooliganism and disobedience to the police.¹⁴⁶ In contrast, advocates for the detainee's rights and eyewitnesses assert that he was subjected to physical assault by the police. They contend that the confrontation originated when law enforcement intervened in the victim's attempt to take photographs.¹⁴⁷ According to reports, the Form 100 completed at the hospital states that the detainee has a concussion, as well as lung injuries.¹⁴⁸ The victim's lawyer is urging the Special Investigation Service to take action.¹⁴⁹ GYLA has formally requested information from the Special Investigation Service concerning the initiation of an investigation into the matter. In its response, the agency indicated that it has not received any notifications regarding a potential violation involving Abaev.¹⁵⁰ According to Article 100 of the Criminal Procedure Code, an investigation must be initiated upon receiving information about a crime. The agency may also receive information through media outlets.¹⁵¹

This action may contain signs of abuse of power by a police officer.¹⁵² GYLA calls on the Special Investigation Service to investigate this incident and carry out the actions provided by law.

¹⁴³ "The case of the arrest of a member of the "Unity - National Movement", YouTube page of the Formula television company, September 17, 2024, available at: <https://www.youtube.com/watch?v=U1JEjKCwF1Y>, updated: 18.09.24.

¹⁴⁴ Ibid.

¹⁴⁵ "According to the Ministry of Internal Affairs, Zurab Abaev, a member of the 'United National Movement's' Nadzaladevi headquarters and also a commission member, was stopped for verification, during which he resisted the police," information portal 'Interpressnews', September 16, 2024, available at: <https://www.interpressnews.ge/ka/article/812352-shss-s-inpormaciit-nacionaluri-mozraobis-nazaladevis-shtabisa-da-aseve-komisiis-cevri-zurab-abaevi-gadamocmebis-miznit-sheacheres-radrosac-man-policielebs-cinaagmdegoba-gaucia>, updated: 18.09.24.

¹⁴⁶ Ibid.

¹⁴⁷ "Why did the police use force against Zurab Abaev, and why were they in civilian clothes during the arrest? The police are unable to answer Khabeishvili's questions," Main Channel, September 16, 2024, available at: <https://mtavari.tv/news/165053-ratom-idzalada-politsiam-zurab-abaevze-ratom>, updated: 18.09.24.

¹⁴⁸ "The Case of the Arrest of a Member of 'Unity - National Movement'," Formula's YouTube channel, September 17, 2024, available at: <https://www.youtube.com/watch?v=U1JEjKCwF1Y>, updated: 18.09.24.

¹⁴⁹ Ibid.

¹⁵⁰ Letter No. SIS 7 24 00018427 from the Special Investigation Service dated October 2, 2024.

¹⁵¹ Criminal Procedure Code of Georgia, Article 101, Section 1.

¹⁵² Article 333 of the Criminal Code of Georgia.

4.2. Interference with the pre-election campaign and civil activism

Obstruction in the pre-election campaign of “Georgian Dream”

On September 13, 2024, a representative of the “United National Movement”, Dito Kvantaliani, attended a meeting held as part of the “Georgian Dream” party’s pre-election campaign in the so-called “Auto Factory Settlement” in Kutaisi.¹⁵³ He expressed his opposition to the “Georgian Dream” propaganda, which resulted in a verbal dispute with the individuals present. In a Facebook post, he indicated that his protest against the ruling party’s “propaganda” led to a heated exchange with those in attendance.

Obstruction of civil activism of the platform “Vote for Europe”

Representatives of the “Choose Europe” platform held meetings in Rustavi on September 15.¹⁵⁴ They faced resistance from the security personnel of “Rustavi Mall”, who did not allow them to meet with the residents in the mall.¹⁵⁵ According to the security personnel, the activists did not have the right to distribute brochures on private property.¹⁵⁶ Representatives of “Choose Europe” argue that the mall’s territory is a public space and that they had the right to distribute brochures there.¹⁵⁷ The mall is a space used for commercial purposes, where entry does not require prior consent from its owner.¹⁵⁸

According to media reports, after the incident, members of the platform relocated to Rustavi’s central park, where they encountered representatives of the city council. These representatives verbally insulted them and obstructed their efforts to engage with local residents.¹⁵⁹

The Ministry of Internal Affairs left GYLA’s inquiry regarding this incident unanswered.

Violent restrictions on movement in public spaces and significant interference

¹⁵³ “According to ‘Georgian Dream’, the zone leader of the ‘United National Movement’, Dimitri Kvantaliani, attempted to disrupt the ruling party’s meeting in the Auto Factory Settlement in Kutaisi,” information portal ‘Interpressnews’, September 14, 2024, available at: <https://www.interpressnews.ge/ka/article/812103-kartuli-ocnebis-inpormacii-ertiani-nacionaluri-mozraobis-zonis-uprosi-dimitri-kvantaliani-kutaisshi-avtokarxnis-dasaxlebashimmartveli-partiis-shexvedris-chashlas-cdilobda/>, updated: 27.09.24.

¹⁵⁴ “Attack on civil activists - “Choose Europe” members were greeted by civil servants”, YouTube channel of “Pirveli” TV channel, September 16, 2024, available at: <https://www.youtube.com/watch?v=qlxxcmc-ilw>, updated: 17.09.24.

¹⁵⁵ Ibid.

¹⁵⁶ “Choose Europe” - this time the campaign continues in Rustavi. The aim of the campaign is to inform citizens about the European Union and Western values”, 16 September 2024, available at: <https://www.facebook.com/watch/?v=1091918275657019>, updated: 17.09.24.

¹⁵⁷ Ibid.

¹⁵⁸ Loladze, B., Pirtskhalashvili, A., Basic rights: commentary, 2023, 331.

¹⁵⁹ Ibid.

with freedom of expression undermine the pre-election environment. It is crucial that public associations are afforded the opportunity to express their views freely and without obstruction.

4.3. Damage to someone else's property, allegedly for political motives

The car of Beso Kartvelishvili, a representative of the “National Movement”, was damaged

On September 8, the car of Beso Kartvelishvili, a representative of the “United National Movement”, was damaged.¹⁶⁰ The incident happened in Racha, Ambrolauri district.¹⁶¹ It is assumed in the party that the car was damaged by the representatives of “Georgian Dream”.¹⁶² Regarding this incident, the police initiated an investigation, which is still ongoing.¹⁶³

Damage to the car of the head of the “Georgian Dream” headquarters

On September 15, 2024, the car of Jumber Izoria, a member of the “Georgian Dream” party and head of the electoral headquarters, was damaged in the village of Lesichine in the Chkhorotsku municipality.¹⁶⁴ He was in Lesichine village as part of the pre-election meetings and did not witness the incident himself.¹⁶⁵ According to the information provided to GYLA by the Ministry of Internal Affairs, the investigation into the fact of damage to the car was started under Article 187 of the Criminal Code.¹⁶⁶ According to the mentioned letter, various investigative actions were carried out, including the questioning of individuals.¹⁶⁷

Similar cases, particularly during the pre-election period, adversely affect the electoral landscape. Specifically, they hinder the rights of electoral subjects to conduct their campaigns in an equal, free, and fair environment.

¹⁶⁰ “Pavlenishvili: A member of ‘Unity - National Movement’ had their car damaged in Ambrolauri,” television channel Formula’s website, September 8, 2024, available at: <https://formulanews.ge/News/116667>, updated: 11.09.24.

¹⁶¹ “In Racha, the car of Beso Kartvelishvili, a member of ‘Unity - National Movement’ was damaged,” television channel Mtavari’s website, September 8, 2024, available at: <https://mtavari.tv/news/164478-rachashi-ertianoba-natsionaluri-modzraobis-cevrs>, updated: 11.09.24.

¹⁶² “In Racha, the car of a member of the UNM was damaged,” information portal newpost.ge, September 8, 2024, available at: <https://newposts.ge/news/politica/rachashi-enm-s-tsevrs-avtomobili-dauzianes>, updated: 11.09.24.

¹⁶³ Letter from the Ministry of Internal Affairs dated October 10, 2024.

¹⁶⁴ According to “Georgian Dream”, in Chkhorotsku, a member of “Coalition for Change” smashed the car of the head of the local election headquarters of “Georgian Dream” with stones”, information portal “Interpress News”, September 16, 2024, available at: <https://www.interpressnews.ge/ka/article/812310-kartuli-ocnebis-inpormaciiit-chxorocqushi-koalicia-cvlilebistvis-cevrma-kartuli-ocnebis-adgilobrivi-saarchevno-shtabis-xelmzgvanelis-avtomankana-kvebit-daumtvria/>, updated: 23.09.2024.

¹⁶⁵ Ibid.

¹⁶⁶ Letter No. MIA 7 24 03052970 from the Ministry of Internal Affairs of Georgia dated October 4, 2024.

¹⁶⁷ Ibid.

The mentioned cases may represent cases of damage to other people’s property for political reasons.

4.4. Allegedly politically motivated detention

On September 14, businessman and civil activist Ioseb Babaev was arrested in Gori.¹⁶⁸ As can be seen from the information spread in the media, Babaev was arrested for disobedience to the police.¹⁶⁹ Prior to his arrest, Babaev protested the discomfort caused by preparations for the “Georgian Dream” pre-election event in Gori, which took place the day before.¹⁷⁰ Babaev also announced a rally on this issue.¹⁷¹ The next day, he was arrested while walking to his own bar.¹⁷² According to him, at first he protested because he could not move by car, but later he obeyed the police and continued on foot, at which time he was arrested by the order of the police chief.¹⁷³ Babaev was released within 48 hours.¹⁷⁴ He links the detention to the fact that he was planning to protest the arrival of Bidzina Ivanishvili.¹⁷⁵

The court found Babayev guilty of an offense and imposed a two-day administrative detention.¹⁷⁶ According to Babayev, although the police officers were wearing body cameras during the arrest, they did not present the footage to the court.¹⁷⁷ Babaev believes that he is a victim of political persecution, because in his opinion he did not commit a crime.¹⁷⁸

On September 27, 2024, the Gori District Court issued a ruling regarding Babaev’s case. The court’s decision relies on the statements of the patrol police representatives, noting the absence of dash cam footage or other neutral evidence. Notably, the court considers Babaev’s failure to move his vehicle as a violation of Article 173 of the Code of Administrative Offenses (disobedience to a lawful order of the police). In contrast, video footage recorded on Ioseb Babaev’s phone clearly shows the police indicating the location where the car was parked. This evidence is signif-

¹⁶⁸ „Civil activist Ioseb Babaev was arrested in Gori”, Tabula website, September 14, 2024, available at: <https://tabula.ge/en/news/722966-gorshi-samokalako-aktivisti-ioseb-babaevi>, updated: 20.09.2024.

¹⁶⁹ Ibid.

¹⁷⁰ “A businessman and a civil activist was arrested in Gori”, website of “Radio Tavisupleba”, September 14, 2024, available at: <https://www.radiotavisupleba.ge/a/33119910.html>, updated: 20.09.2024.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Businessman and activist Soso Babaev arrested in Gori was released, “Radio Tavisupleba” website, September 16, 2024, available at: <https://www.radiotavisupleba.ge/a/33121910.html>, updated: 20.09.2024.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ The court found businessman Ioseb Babayev, detained in Gori, guilty of an offense, information portal ‘Georgian News’, September 27, 2024, available at: <https://sakartvelosambebi.ge/ge/akhali-ambebi/sasamartlom-gorshi-dakavebuli-biznesmeni-ioseb-babaevi-samartaldamrghvevad-tsno>, updated: 30.09.2024.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

icant, as it highlights the need for the court to evaluate various factors, particularly the severity of the violation of Article 173 and what could be deemed a lawful requirement in this specific context.¹⁷⁹

Additionally, it is important to consider whether the necessity of the detention was justified. It is also noteworthy that Babayev was detained for the maximum duration, for which the police did not provide any objective justification.

It is noteworthy that Babayev is also charged under Article 236 of the Criminal Code,¹⁸⁰ which pertains to the illegal acquisition and possession of firearms. The substantive hearing of the case is currently underway. The initiation of criminal proceedings against Babayev was preceded by his participation in actions contrary to Russian law. GYLA is monitoring this process.

The use of arbitrary detention, particularly against individuals with differing opinions, raises concerns about politically motivated persecution. It is essential that each of these cases is thoroughly investigated by the appropriate authorities.

¹⁷⁹ The prohibition on parking the vehicle in a stationary position or restricting movement raises questions, as it appears that the police themselves granted Babaev permission to enter the area and park his vehicle, while pedestrian access was already permitted.

¹⁸⁰ I interim report of the long-term observation mission of the 2024 parliamentary elections, April - June, Tbilisi 2024, website of GYLA, available at: <https://shorturl.at/bTlyn>, updated: 20.09.2024.

5. DAMAGE TO CAMPAIGN MATERIAL

According to electoral legislation, it is prohibited to remove, tear down, cover, or damage campaign materials unless they are placed in prohibited locations.¹⁸¹ The Code defines campaign materials as any items that display the election subject or candidate's name and/or their serial number associated with participation in the elections.¹⁸²

During the reporting period, a video was circulated in the media showing individuals wearing clothing with the symbolism of 'New Unity - Gvaramia - Melia' damaging posters of 'Georgian Dream - Democratic Georgia'.¹⁸³

GYLA calls on political parties to exert more effort to prevent such incidents.

The representative of the coalition "Strong Georgia - try, for the people, for freedom!", Tengó Kochua, spread information on the social network, according to which in Zugdidi, in various locations, the posters of another political party "Voice of the Nation is the Way of Salvation" were pasted on the posters of the coalition.¹⁸⁴ It has been revealed that the posters were placed by a representative of that party, who stated that he does not support the aforementioned coalition.¹⁸⁵ The Election Code explicitly prohibits the removal, tearing down, covering, or damaging of campaign materials unless they are placed in prohibited locations.¹⁸⁶

GYLA calls upon the executive body of the municipality or a person authorized by it¹⁸⁷ to investigate this fact in the shortest possible time and identify the responsible persons, and the parties to make more efforts to reduce such cases.¹⁸⁸

¹⁸¹ Subparagraph 7¹ of Article 46 of the Election Code of Georgia.

¹⁸² Article 2 of the Election Code of Georgia, subparagraph "H"⁷.

¹⁸³ "Members of the Gvaramia/Melia party destroy the posters of "Georgian Dream", official Facebook page of TV company "Imedi" September 10, 2024, available at: <https://www.facebook.com/watch/?v=885854980129965>, updated: 11.09.2024.

¹⁸⁴ Tengó Kochua's Facebook page, October 3, 2024, available at: https://www.facebook.com/permalink.php?story_fbid=8681471885208415&id=100000370684188&rdid=UHOuMIKVLbNGONF1, updated: 04.10.24.

¹⁸⁵ Guram Meskhya's comment on Tengó Kochua's Facebook post, October 3, 2024, available at: https://www.facebook.com/permalink.php?story_fbid=8681471885208415&id=100000370684188&rdid=UHOuMIKVLbNGONF1, updated: 04.10.24.

¹⁸⁶ Election Code of Georgia, Article 46, Section 7¹.

¹⁸⁷ Election Code of Georgia, Article 93, Section 4.

¹⁸⁸ Latsabidze M. and others, II interim report of the long-term observation mission of the 2021 local government elections, August-September (Tbilisi, Georgian Young Lawyers' Association, 2020), p. 30, the official website of the Georgian Young Lawyers' Association," available at: <https://bit.ly/3DeIH7I>, updated: 04.10.24.

6. ALLEGED POLITICALLY MOTIVATED DISMISSAL OF ACTING DIRECTORS OF PUBLIC SCHOOLS

At the end of August 2024, during the pre-election period, the authority of several acting public school principals was terminated. It should be noted that these individuals have expressed concerns that this action is politically motivated and constitutes discrimination.

The Law of Georgia “On General Education” determines the procedure for electing a public school principal. First, a relevant competition - exam is held, and then the candidate goes through an interview with a special commission. After passing this stage, the Ministry presents the candidate to the supervisory board Board, which makes the final decision.¹⁸⁹ If the supervisory board fails to elect a director, the Minister of Education, Science, and Youth holds the authority to appoint directors at their discretion. It is important to note that in schools where the supervisory board was unable to elect directors, appointments made at the minister’s discretion have been relatively common.¹⁹⁰ However, after the 2023 directors’ competition left approximately 1,000 schools without a director, former minister Giorgi Amilakhvari stated that he would not use his discretionary power and would not impose the ministry’s ‘taste’ on the schools.¹⁹¹ According to him, discretionary powers would be used only in extreme cases.¹⁹² Consequently, a competition for directors was announced again in 2024. According to Article 42, Paragraph 1 of the Law of Georgia on General Education, the ministry is required to select candidates for directorship under conditions of transparency, fair competition, and equality, which inherently prohibits discrimination by the ministry, including on political grounds. Furthermore, the law explicitly mandates that the state ensure the independence of public schools from political organizations.¹⁹³

- **Dismissal of Nana Shamatava, Acting Director of the Public School of the Village of Nokalakevi, Senaki Municipality**

On August 26, the Minister of Education, Science, and Youth of Georgia appointed Nana Jgerenaia as the director of the school in the village of Nakalakevi, located in the Senaki municipality, exercising her discretionary authority. On August 30, the current acting director, Shorena Shamathava, had her powers terminated. Notably, Shorena Shamathava successfully passed the candidate test for directorship but did not advance past the interview stage with the special commission. Despite the supervisory board not electing her as the director during their June 19 meeting, a

¹⁸⁹ Law of Georgia “On General Education”, Article 42.

¹⁹⁰ “In schools where principals have not yet been elected, a new competition will be announced - Minister”, information portal netgazeti.ge, December 12, 2023, available at: <https://netgazeti.ge/news/701442/>, updated: 17.09.2024.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Paragraph 2 (b) of Article 3 of the Law of Georgia “On General Education”.

new director, Nana Jgerenaia, was presented to the board as a candidate. Consequently, Shorena Shamathava served as the acting director until August 26, when the minister appointed a new director through the aforementioned order.

In her conversation with GYLA, Shorena Shamathava stated that she was aware of the outcome in advance, as the head of the Senaki Resource Center had warned her from the beginning. According to Shamathava, the true reason for her dismissal was her political views, particularly her participation in an event organized by the party “Gakharia for Georgia”. She noted that officials in the municipality consistently drew attention to her political position as a director.

- **The dismissal of Mindia Gvelebiani, the acting director of the public school in the village of Namashevi in the Khoni municipality**

The authority of Mindia Gvelebiani, the acting director of the Namashevi village public school in the Khoni municipality, was terminated. He has been a teacher at the school since 1995 and served as the acting director since 2004.

Mindia Gvelebiani was informed of his dismissal by the new director of the Namashevi public school. Subsequently, on August 30 of this year, he received an order from the Minister of Education, Science, and Youth of Georgia to terminate his employment as the acting director of the school.

It should be noted that Mindia Gvelebiani is an active member of the “Gakharia Georgia” party, in the 2021 local self-government elections, he was the candidate for the majority of the Khoni Municipality Sakrebulo from the said party. On August 21 of this year, the representatives of the “Gakharia for Georgia” party had election meetings with the local population, including in Khoni.¹⁹⁴ Mindia Gvelebiani was actively involved in the organization of the mentioned meeting. Just a few days after the mentioned meeting, Mindia Gvelebiani became aware of his dismissal.

It is important to note that Mindia Gvelebiani did not pass the school directorship exam held in the spring. In a conversation with GYLA, he expressed that he knew from the outset he would not be appointed as the director and felt “there was no point in participating in the competition”. The new director, Nana Kharabadze, successfully passed the exam; however, her candidacy was not supported by the school’s supervisory board. In August of this year, the minister appointed Khatuna Kharabadze as the director, exercising her discretionary authority.¹⁹⁵

At the same time, it became known to Mindia Gvelebiani from the teachers of the school that he was not only fired from the above-mentioned position, but he was

¹⁹⁴ Facebook post on the page “Gakharia for Georgia”, August 22, 2024, <https://www.facebook.com/Gakharianewsforgeo/posts/pfbid0292mdtSe8gxRky3X1WzXCPNUBGyGyeNvWoFtRyJFSqK2oB9xgipn2mQxKmv3uQFw1l>, updated: 17.09.2024.

¹⁹⁵ Paragraph 6 of Article 42 of the Law of Georgia “On General Education”.

also deprived of his teaching hours and fired from the position of class teacher.¹⁹⁶ He believes that his dismissal was based on discrimination.¹⁹⁷

Mindia Gvelabiani appealed to the court to protect his rights, receiving legal assistance from GYLA. In cooperation with the organization, on October 1, 2024, Mindia Gvelabiani filed a lawsuit with the Samtredia District Court regarding the legality of his dismissal from the position of acting director. After the school failed to provide the former director with specific information on what grounds his teaching hours were revoked, on October 9, he submitted an additional appeal to the court regarding the cancellation of his teaching hours. Additionally, with the help of GYLA, he plans to appeal to the Public Defender concerning his discrimination.

- **The case of dismissal of the public school director**

During the reporting period, another case of the dismissal of a public school director was recorded. They prefer to remain anonymous with GYLA.¹⁹⁸ The person who had been leading the school for several years took the exam as part of the 2024 director competition but was unable to pass the interview stage. Subsequently, the supervisory board of the mentioned school presented another candidate who did not gather enough votes. According to them, after this, in August, the minister appointed a new director within his discretionary authority, and consequently, the old director's powers were terminated.

It should be noted that the former director of the school was distinguished recently by the so-called Criticizing the authorities regarding the events related to the "Russian Law". He connects his dismissal from the director's position with the mentioned events.

According to GYLA, the termination of authority for acting school principals, particularly during the pre-election period, raises concerns of potential political discrimination. This is especially the case when those dismissed have been critical of the ruling party or have affiliations with opposition parties.

¹⁹⁶ Regarding this, Mindia Gvelebiani said in a conversation with GYLA.

¹⁹⁷ "Several teachers say they were fired from school principalships for political reasons", information portal netgazeti.ge, September 5, 2024, available at: <https://netgazeti.ge/life/740395/>, updated: 17.09.2024.

¹⁹⁸ Therefore, the organization cannot make its data public.

7. DECISIONS OF THE GEORGIAN NATIONAL COMMUNICATIONS COMMISSION

7.1. In the pre-election period, “Georgian Dream” political advertisement used hateful language towards LGBTQI+ individuals

On September 13, 2024, the Communications Commission recognized TV companies “Formula” and “TV Pirveli” as violators of Article 186, Part 5 of the Election Code,¹⁹⁹ due to the fact that they did not place the political advertisement presented by the political party “Georgian Dream” on the air network.²⁰⁰ According to the complaint of “Georgian Dream”, the political advertisement was sent to TV companies in compliance with the law.

According to the party’s complaint, they requested that the Communications Commission investigate the matter and compel the TV companies to air the political advertisements in question.²⁰¹

From the point of view of ‘Formula’, the part of the advertisement that addresses a specific group of people, accusing them of being involved in the moral degeneration of society, while also using images of individuals who are not election subjects, is inconsistent with the legislation.²⁰² The TV company considered that the disputed ad incites hatred or violence against the individuals shown in it because of their views.²⁰³ In addition, “Formula” noted that separate provisions of the “Advertising” law were also violated,²⁰⁴ as at least one of the people depicted in the advertisement, Eka Gigauri, did not have the consent to use her image in the advertisement.²⁰⁵

¹⁹⁹ Decision No. G-24-04/1991 of the Communications Commission of September 13, 2024.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Letter No. 552 of September 9, 2024 to Formula TV Company.

²⁰³ Ibid.

²⁰⁴ Specifically, this concerns paragraphs 9 and 11 of Article 4 of the Law of Georgia on Advertising.

²⁰⁵ Letter No. 552 from TV Company Formula dated September 9, 2024.



The court’s decision in the case references the statement made by the representative of the Communications Commission during the session, which asserts that the “Georgian Dream” advertisement does not contain any incitement to hatred or violence, nor does it include any calls for violence.²⁰⁶ According to the Commission’s explanation, the broadcaster did not have the right in this case to assess the advertisement based on the requirements of the Georgian Law on “Advertising”. The court’s decision further notes that the provisions of the “Advertising” law do not apply to political advertisements.²⁰⁷ The court also highlighted a provision of the Law of Georgia “On Broadcasting” and referenced an interpretation by the Supreme Court, which states that the law does not entirely exclude the broadcaster’s discretion to decide whether to air political advertisements, regardless of their content.²⁰⁸ According to the standard cited in the decision from the Court of Cassation, the Constitution of Georgia establishes general principles that are further elaborated upon by current legislation. Television broadcasters are required to adhere to these principles when evaluating advertisements.²⁰⁹ The City Court references Chapter VI of the Law of Georgia “On Broadcasting” as an illustrative example in its decision.²¹⁰ According to one of the provisions in this chapter, running advertisements that contain hate speech is prohibited.²¹¹ The norm talks about violence

²⁰⁶ The decision of the Tbilisi City Court of September 15, 2024 on case No. 4/6951-24, para. 3.1.

²⁰⁷ The decision of the Tbilisi City Court of September 15, 2024 on case No. 4/6951-24, para. 6.4. Paragraph 5 of Article 2 of the Law of Georgia “On Advertising”.

²⁰⁸ The decision of the Tbilisi City Court of September 15, 2024 on case No. 4/6951-24, para. 6.4.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Law of Georgia “On Broadcasting”, Article 55², first paragraph.

and lists the signs against which such actions are prohibited.²¹² Among the prohibited content are references to gender, gender identity, and sexual orientation. It is noteworthy that representatives of “Formula” also cited this norm in their appeal. Despite this reasoning, the court did not assess the visual, graphic, and audio elements of the video in its decision.

While the phrase “Say no to the moral degeneration of society and choose traditional values” may not, when considered in isolation, constitute incitement to hatred, it is essential to evaluate the advertisement within its overall context. During the segment where the phrase “no moral degeneracy” appears on screen accompanied by its audio counterpart, a photo of three LGBTQI+ activists is displayed. Following this, when the phrase “choose traditional values” is shown, a graphic image depicting a woman, children, a man, and a dog appears, creating a “traditional” perception of family. Therefore, the context surrounding this portion of the advertisement must be taken into account. Together, these visual elements—on one hand, the images of Tamar Jakeli (head of Tbilisi Pride), Ana Subeliani (Tbilisi Pride employee), and Giorgi Tabagari (LGBTQ+ activist) alongside the implication that they are morally degenerate, and on the other hand, the representation of a traditional family—serve to incite hatred based on sexual orientation and gender identity. The court, however, did not evaluate the visual components of the advertisement and instead focused solely on the phrasing.

Hate speech doesn’t always take the form of direct statements, sometimes it’s harder to recognize, but it’s just as damaging.²¹³ Hate speech does not exist in a vacuum and is usually a symptom of existing systemic inequality.²¹⁴ Therefore, it is important to assess the existing context.

It is important to note that according to the guidelines established by the Communications Commission itself, for an expression to be classified as hate speech, it must demonstrate violence or hatred directed toward individuals or groups.²¹⁵ From this perspective, context plays a crucial role in determining whether an expression qualifies as hate speech. Factors to consider include the specific issue addressed by the program or advertisement, the significance and sensitivity of that issue within society, its relevance to public interest, and the timing and cir-

²¹² Ibid.

²¹³ Council of Europe, Combating Hate Speech in the Media in the Republic of Moldova Guide for Assessing and Processing Hate Speech Cases, 2022, 18, available at: <https://rm.coe.int/guide-combating-hate-speech-in-the-media-in-moldova-coe-9-/1680a9303d>.

²¹⁴ OHCHR, Hate speech and incitement to hatred in the electoral context, 3, available at: <https://www.ohchr.org/sites/default/files/2024-05/information-note-hate-speech-incident-hatred-in-electoral-context.pdf>.

²¹⁵ Guidelines for the implementation of Article 552 and Paragraph 3 of Article 561 of the Law of Georgia “On Broadcasting” by the National Communications Commission of Georgia, National Communications Commission, 2024, 12 available at: <https://comcom.ge/ge/regulation/mediamomsaxureba/broadcasting/broadcasting-sakonsultacio-dokumentebi-da-sxva-masalebi/mediashi-sidzulvilis-enisterorizmisen-mowodebisa-da-uxamsobis-regulirebis-shehexeb-saxelmdzgvanelo.page>, updated: 17.10.2024.

cumstances under which it was disseminated.²¹⁶ We must also take into account the position and status of the speaker in society, especially the positioning of the person or organization in the context of the audience to whom the expression is directed²¹⁷ and the area of distribution.²¹⁸

In this context, it is important to note that the rhetoric and actions of the ruling political force that incite hatred toward the LGBTQI+ community, as well as the exploitation of these negative attitudes for political gain, are not new phenomena. This is evidenced by the adoption of the Law of Georgia “On Family Values and Protection of Minors” by the Parliament of Georgia in its third reading on September 17, 2024, along with the related package of amendments. These measures contradict both national and international human rights standards and contribute to the violation of fundamental human rights, including the unjustified restriction of freedom of expression and assembly.²¹⁹ The governing team has also initiated a package of constitutional amendments of similar content.²²⁰ It is noteworthy that during the public discussions surrounding the aforementioned bills and the Russian law, the ruling team actively employed narratives that contained hatred based on sexual orientation and gender identity, often targeting civil society as well.²²¹

According to GYLA, both the court’s inaction and the improper qualification of the facts are concerning. The audiovisual analysis of the submitted advertisement indicates that it employs hate speech motivated by sexual orientation and gender identity, targeting activists and representatives of civil society while inciting hatred toward LGBTQI+ individuals. Furthermore, the court failed to consider the context in which this advertisement was broadcast. During the discussion of anti-LGBTQI+ legislation in the legislative body this year, and while the constitutional law on the same subject is under review—where restricting the rights of the representatives of this community has been practically announced as a pre-elec-

²¹⁶ Ibid, 13 – 14.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ “The Georgian Young Lawyers’ Association responds to discriminatory legislative amendments aimed at human rights and democracy”, Georgian Young Lawyers’ Association, September 20, 2024, available at: <https://gyla.ge/ge/post/saqartvelos-akhalgazrda-iuristta-asociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaaghmddeg-mimartul-sakanonmdeblo-cvliilebebs-ekhmaureba#sthash.SPscAJ3.dpbs>, updated: 10.10.2024.

²²⁰ Ibid.

²²¹ „It is the perfect time for the initiation of laws on ‘LGBT propaganda and NGOs’ - Ivanishvili,” BMG, April 29, 2024, available at: <https://bm.ge/news/lgbt-propagandisa-da-ngo-ebis-shesakhebbkanonebis-initsiirebistvis-idealuri-droa-shercheuli-ivanishvili>, updated 10.10.2024; “Prime Minister - When the public knows who finances a particular organization, it will be difficult for that organization to engage in activities such as revolutionary processes, bringing disorder to the country, LGBT propaganda, attacks on the Orthodox Church, and drug propaganda,” information portal “Interpressnews,” May 10, 2024, available at: <https://www.interpressnews.ge/ka/article/798866-premeri-roca-sazogadoebas-ecodineba-vin-apinansebs-ama-tu-im-organizacias-shesabamis-organizacias-gauchirdeba-chaertosiset-aktivobebshi-rogoricaa-revoluciuri-procesebi-areulobis-shemotana-kveqanashi-lgbt-propaganda-martmadidebel-eklesiaze-tavdasxma-narkotikebis-propaganda/>, updated: 10.10.2024.

tion promise—²²² the court evaluated the case in isolation from these broader events. According to GYLA, this led to an incorrect conclusion. As a result, the decision made by “Formula” television company was in accordance with the law.

7.2. Placement of election advertising, which serves the campaigning goals of another election subject

On September 13, 2024, the Communications Commission recognized 4 TV companies, Public Broadcaster, “Mtavari Arkhi”, “TV Pirveli” and “Formula” as violators of a specific provision of the Election Code.²²³ Specifically, this concerns the violation of the regulation that prohibits one election subject from placing advertisements on a broadcaster’s air during advertising time intended for the campaigning purposes of another election subject.²²⁴ As mentioned in the commission’s decision, the political parties “European Georgia”, “Yes to Europe” and “Citizens” placed free pre-election advertisements on these TV channels, which served the campaigning goals of another election subject.²²⁵

On September 13, 2024, the National Communications Commission submitted a protocol of administrative violations and related materials to the Administrative Affairs Board of the Tbilisi City Court concerning the alleged violation of the relevant norm of the Election Code by “Formula”.²²⁶ The court upheld the decision of the Communications Commission, reasoning that video recordings presented in the case documented public statements from political associations indicating their intention to unite with other political parties in the 2024 elections.²²⁷ The court clarified that, given the context in which “European Georgia”, “Yes to Europe”, and “Citizens” had publicly announced their unification with other parties, the advertisement posted by them was considered a promotion of these parties. This constituted a violation of Section 18 of Article 186.²²⁸ This evaluation by the court lacks a solid factual basis and relies solely on specific statements. The political parties in question had only made oral announcements regarding their intentions during the

²²² “We haven’t even heard that there would be one gay couple” - What do they promise and what do the residents of Kaspi want,” information portal “Radio Tavisupleba”, September 19, 2024, available at: <https://www.radiotavisupleba.ge/a/%e1%83%a0%e1%83%90%e1%83%a1-%e1%83%b0%e1%83%9e%e1%83%98%e1%83%a0%e1%83%93%e1%83%94%e1%83%91%e1%83%98%e1%83%90%e1%83%9c-%e1%83%93%e1%83%90-%e1%83%a0%e1%83%90-%e1%83%a3%e1%83%9c%e1%83%93%e1%83%90%e1%83%97-%e1%83%99%e1%83%90%e1%83%a1%e1%83%9e%e1%83%94%e1%83%9a%e1%83%94%e1%83%91%e1%83%a1/33126680.html>, updated: 08.10.24.

²²³ No. G-24-04/1989 of September 13, 2024 of the Communications Commission.

²²⁴ Section 18 of Article 186 of the Election Code of Georgia.

²²⁵ It is about “Unity - National Movement” and “Strong Georgia - Effort, for the people, for freedom”. Communication Commissions No. G-24-04/1989 of September 13, 2024.

²²⁶ Resolution of Tbilisi City Court No. 4/6953-24, para. 1.

²²⁷ This refers to the statements by ‘European Georgia’ and ‘Yes to Europe’, according to which they are uniting with ‘Unity-National Movement’, while ‘Citizens’ are joining ‘Strong Georgia-Lelo, for the People, for Freedom’. Tbilisi City Court ruling No. N4/6953-24, para. 6.21.

²²⁸ Resolution of Tbilisi City Court No. 4/6953-24, para. 6.22.

period when the advertisements were aired; they had not officially united either with “Unity - National Movement” or with the coalition “Strong Georgia - Effort, for the People, for Freedom”. Consequently, the court’s position was based on a hypothetical future scenario. Furthermore, according to “Formula”, the mentioned entities had until September 26, 2024, to make a decision regarding the submission of unified party lists.²²⁹ Consequently, they were not officially included in the mentioned coalitions at the time of placing the pre-election advertisements. Additionally, the TV company stated that it based its actions on the list of election subjects available on the official website of the CEC.²³⁰ Thus, it could not justify its decision based on hypothetical circumstances and future probabilities. It is also important to highlight that the content and visuals of the election advertisements disseminated by the aforementioned political parties clearly demonstrate that each advertisement was created specifically to benefit “European Georgia”, “Yes to Europe”, and “Citizens”.²³¹ The video clips show the number of these entities, their name, and a written call to vote for them. Accordingly, these advertisements do not mention any other political union or party, in whose favor the citizen should make a choice.²³² **Therefore, Section 18 of Article 186 of the Election Code was not violated.**

²²⁹ Ibid, Para. 4.1.

²³⁰ Ibid.

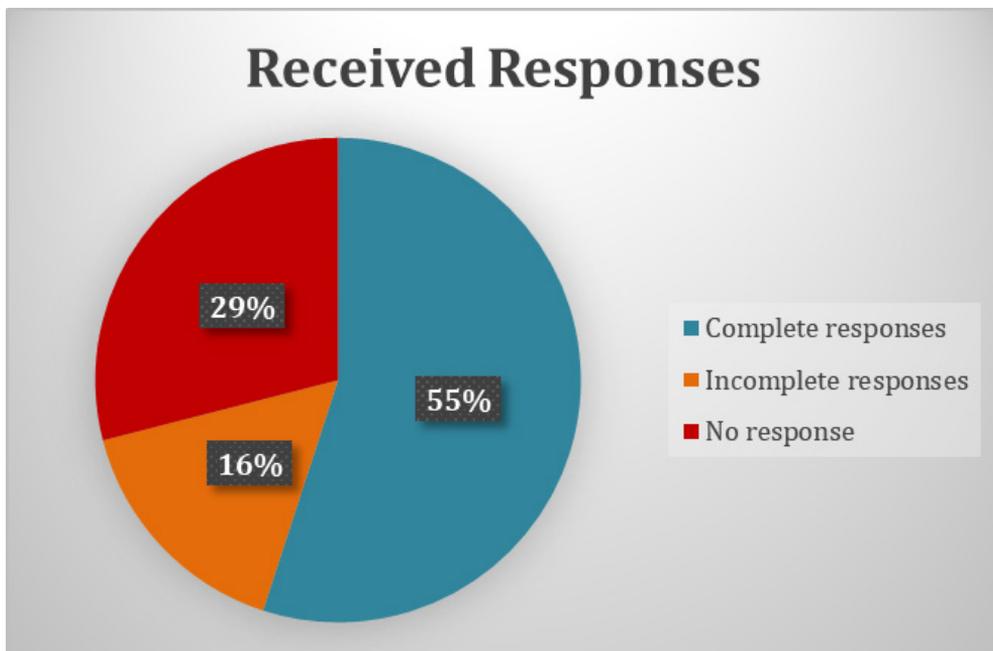
²³¹ TV company “Formula”, available at: <https://www.myvideo.ge/tv/formula/2024-09-09/16:07:00>, updated: 23.09.24.

²³² Ibid.

8. LIMITATION OF ACCESS TO PUBLIC INFORMATION DURING THE MONITORING PROCESS

From August 27 to September 30, 2024, GYLA submitted 10 requests for public information to various public agencies. Of these, 6 received responses, while the remaining 4 requests went unanswered. The following agencies did not respond: the Ministry of Internal Affairs, the Ministry of Education, Science and Youth of Georgia, the Ministry of Finance and Economy of the Autonomous Republic of Adjara, and the Gomi Public School in Ozurgeti Municipality. Additionally, in some cases where responses were received, the agencies exceeded the standard 10-calendar-day deadline for providing information.

As part of the long-term election mission, GYLA submitted 148 requests for public information to various public agencies. Of these, 43 requests went unanswered, and 23 received incomplete responses.



A general analysis of the responses received revealed several trends regarding access to public information:

- Cases when public agencies did not give any response;
- Agencies respond within the deadline, indicating the need to use the full 10-day period. However, once this deadline expires, they fail to provide the requested information;
- Responses are incomplete and fail to offer comprehensive answers to the queries;
- Some agencies, including the Government of Georgia's administration, state in their response letters that the requested information has been published in the

Legislative Gazette or on another official website. In many cases, they do not provide the appropriate link, which constitutes a violation of the right to access public information—particularly when the information in the letter and that posted online differ in form and content.

Ultimately, such an approach restricts the monitoring organization's right to access public information, hindering the full execution of long-term monitoring.

GYLA urges state and local self-government bodies to ensure the timely and complete delivery of public information to election monitoring organizations, enabling them to effectively monitor the election environment.