



## მედიაცენტრი • MediaCentre

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International Society for Fair Elections and Democracy (ISFED) and Georgian Young Lawyers' Association (GYLA) observed the post-election period of the May 21 Parliamentary Elections in 40 electoral districts of Georgia.

The project is funded by Swedish International Development Cooperation Agency (SIDA); the technical assistance was provided by National Democratic Institute for International Affairs (NDI).

The main objective of the project was to conduct the 24 hours monitoring at 40 District Election Commissions (DECs) of Georgia. The subject of the observation was overall activities of DECs, including consideration of complaints, decision-making and election results tabulation processes at the district level.

The project was conducted based on the direct observation method. Observers were given monitoring forms and they reported the findings on the daily basis. Results of the monitoring were processed by central offices of the organizations.

Below are presented findings of DEC monitoring conducted by ISFED and GYLA:

### *Number of Complaints Submitted by Organizations*

#### International Society for Fair Elections and Democracy

137 complaints were written in total;  
10 complaints were refused to register;  
57 complaints were submitted at the DECs;  
3 polling stations were appealed in the court;  
Decision of 1 DEC was appealed at the Central Election Commission (CEC)

Based on the ISFED complaints:

Results of 16 polling stations were annulled;  
Results of 3 polling stations were partially annulled;  
Election administration representatives were held accountable in 14 cases.

#### Georgian Young Lawyers' Association

147 complaints were written on Election Day;  
4 complaints were refused to register;  
69 complaints were submitted at the DECs;  
29 polling stations were appealed in the court;  
Decision of 5 DECs was appealed at the Central Election Commission (CEC).  
Based on the GYLA complaints:

Results of 11 polling stations were annulled;  
 Results of 7 polling stations were re-counted;  
 Summary protocols were corrected in 10 cases;  
 Election administration representatives were held accountable in 12 cases.

***The following trends were identified while processing the monitoring findings:***

The tendencies of consideration<sup>1</sup> of complaints and measures taken in response<sup>2</sup> of the complaints differed from region to region.

Region	Number of Complaints	Not considered	Satisfied	Unsatisfied
Batumi Region <sup>3</sup>	98	5	7	86
Kutaisi Region <sup>4</sup>	46	1	3	42
Gurjaani Region <sup>5</sup>	112	44	9	59
Tbilisi Region <sup>6</sup>	216	11	28	177
Khashuri <sup>7</sup> Region	65	0	14	51
<b>Total</b>	<b>537</b>	<b>61</b>	<b>61</b>	<b>415</b>

The following shortcomings were observed:

At District Election Commissions:

- **Did not provide grounds substance on the decisions of complaints** ( # 17 Telavi, # 12 Gurjaani, # 16 Kvareli, # 58 Tskaltubo, # 59 Kutaisi, # 62 Chokhatauri, # 61 Lanchkhuti, # 60 Ozurgeti, # 83 Khelvachauri, # 3 Saburtato, # 22 Marneuli, # 32 Gori, # 33 Kareli, # 35 Khasuri);
- **Illegal refusal to review complaints** ( # 16 Kvareli, # 1 Mtatsminda, # 3 Saburtalo, # 22 Marneuli, # 81 Kobuleti, # 83 Khelvachauri, # 32 Gori);
- **Not calling witnesses and not studying evidences properly during the consideration of complaints** ( # 17 Telavi, # 12 Gurjaani, # 58 Tskaltubo, # 23 Bolnisi, # 32 Gori, # 9 Nadzaladevi, # 27 Mtskheta, # 60 Ozurgeti, # 10 Gldani, # 83 Khelvachauri);
- **Not providing dates of complaints' consideration to the stakeholders intentionally** (# 58 Tskaltubo, # 83 Khelvachauri, # 32 Gori, # 9 Nadzaladevi, # 22 Marneuli);
- **Late delivery of decisions on complaints to the stakeholders** ( # 12 Gurjaani, # 51 Zestafoni, # 59 Kutaisi, # 60 Ozurgeti, # 61 Lanchkhuti, # 62 Chokhatauri, # 81 Kobuleti, # 70 Poti, # 23 Bolnisi, # 32 Gori, # 9 Nadzaladevi, # 4 Krtsanisi, # 5 Samgoni);
- **Not inclusion of enough details in minutes of sessions** (# 23 Bolnisi, # 6 Samgoni).

<sup>1</sup> Here is meant the total number of complaints submitted at DECs level by every electoral subject.

<sup>2</sup> Regions are divided according to the principle of regional arrangement used at ISFED and encompass 40 electoral districts throughout Georgia.

<sup>3</sup> Adjara, Guria, Poti

<sup>4</sup> Imereti, Raja-Lechkhumi, Samergelo-Zemo-Svaneti

<sup>5</sup> Kakheti

<sup>6</sup> Tbilisi, Mtskheta-Mtianeti, Kvemo Kartli

<sup>7</sup> Shida Kartli, Samtskhe-Djavakheti.

## *Conclusions*

Representatives of both organizations conducted monitoring to evaluate work of 40 DEC's throughout the country. Observers monitored the process of review of complaints submitted at DEC's during 10 days. The conclusion drawn by both organizations is based on consideration process of not only the complaints submitted by ISFED and GYLA at the district level, but also complaints filed by all election subjects and review process by district election commissions.

Based on the monitoring findings it can be concluded the change of DEC's composition to provide for party representation was a step forward in the light of the political environment. As a result of the legislative amendment, the DEC's work became more transparent during the May 21 parliamentary elections. In comparison with 2008 5 January Presidential elections district commissions mainly have been considering complaints submitted by both organizations. The different approach was observed to the complaints submitted by other subjects.

Despite the abovementioned, together with above-stated shortcomings the following flaws were observed:

Unfortunately, legal procedures are not clear enough in terms of consideration of complaints yet and are interpreted differently by the various electoral actors (i.e. different approach to considering complaints lodged at precincts level on Election Day was observed).

Observation revealed the cases when complaints were not considered due to technical reasons (i.e.: at # 16 Kvareli DEC complaints submitted by other electoral subjects, except of ISFED and GYLA, were dismissed on grounds of technical problems).

Although the work of courts has been improved compared to the January 5 Presidential Elections, courts acted inconsistently during pre-election and post-election periods. The monitoring on courts took place during both, pre- and post-election periods.

After the Election Day individuals called at the courts as witnesses faced physical abuse (Gori # 48 and Mtsketa # 2 Precincts related cases). The observation organization condemn use of any form of abuse, including the individuals called as witnesses for submitted complains, and call on the law-enforcement bodies to react in objective and timely manner.

The observation organizations will prepare a joint report and present to the public on the process of complaints deliberation and votes tabulation at DEC's and CEC.

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