



# EUROPEAN PARLIAMENT

## DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN GEORGIA (21 May 2008)

**Election observation mission  
18 - 24 May 2008**

**Report by  
Mrs Marie Anne ISLER BEGUIN,  
Chair of the Delegation**

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- A. Summary record of meetings
- B. List of participants
- C. Programme
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- E. EP press statement of 22 May 2008
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**DIRECTORATE-GENERAL FOR EXTERNAL  
POLICIES OF THE UNION**

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**13 June 2008**  
**SP/AG/ES**

## **Introduction**

Following receipt of an invitation sent by the Speaker of the Parliament of Georgia, Mrs Nino BURJANADZE, to the European Parliament on 8 February 2008, the Conference of Presidents authorised, on 17 April 2008, an election observation delegation to monitor the parliamentary elections in Georgia scheduled for the 21 May 2008. The delegation comprised seven Members of the European Parliament, nominated by five political groups.

The members were appointed by the political groups as follows: Mrs Marie Anne ISLER BEGUIN, Chairperson (GREENS/ALE France), Mr Ryszard CZARNECKI (UEN, Poland), Mr Arpad DUKA-ZOLYOMI (EPP-ED, Slovakia), Mrs Frédérique RIES (ALDE, Belgium), Mrs Katrin SAKS (PES, Estonia), Mrs Corien WORTMANN-KOOL (EPP-ED, The Netherlands) and Mr Jaroslav ZVERINA (EPP-ED, Czech Republic).

During the 23 April 2008 constituent meeting of the delegation to observe the parliamentary elections in Georgia, Mrs Marie Anne ISLER BEGUIN (GREENS/ALE France), was elected, following a vote, chairperson of the delegation. Members also discussed their deployment on the Election Day (21 May) and decided that on deployment the delegation would split into several groups of 2-3 members (see Appendix D for deployment teams).

The delegation met again on 15 May 2008 in Brussels, the final preparatory meeting of the EOM Georgia. Members of the European Parliament delegation, Mrs ISLER BEGUIN, Mr DUKA-POLYOMI, Mrs RIES and Mrs WORTMANN-KOOL were present. The Commission representative Mr Di CARA briefed the delegation on the electorate situation, followed by Ambassador H.E Mrs Salome SAMADASHVILI, who commented on the actual situation in Georgia. The draft programme for the mission was confirmed, as well as the deployment of the delegation in 4 teams, observing elections in Tbilisi, Mzkheta (former capital of Georgia), Batumi (overnight) and Gori.

As is usual in the OSCE area, the European Parliament delegation formed part of the joint International Election Observation Mission (IEOM) that also comprised the OSCE Parliamentary Assembly (OSCE PA), chaired by Mr João SOARES (Portugal), the Parliamentary Assembly of the Council of Europe (PACE), chaired by Mr Mátyás EÖRSI (Hungary), NATO Parliamentary Assembly (NATO PA), chaired by Mr Bruce GEORGE (United Kingdom), and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODHIR) established a long term election mission, headed by Ambassador Boris FRLEC (Slovenia), which consisted of 14 core international staff based in Tbilisi, 28 long-term observers deployed in the regions and 350 short-term observers deployed throughout the country for Election Day.

## Political Context

The 5 January 2008 extraordinary presidential election of Georgia was brought forward to quell political unrest that occurred during clashes between demonstrators, led by opposition parties united in a “National Council”, and police and security forces in Tbilisi in November 2007. The protesters demanded the rescheduling of parliamentary elections, constitutional changes to transform Georgia into a parliamentary republic, and the resignation of President Mikheil SAAKASHVILI. The demonstrators' dissatisfaction with the government was mainly focused on the centralised powers of the president, from whom they eventually demanded resignation.

On 7 November, police and security forces forcibly dispersed demonstrators, reportedly resulting in several dozen injuries<sup>1</sup>. International criticism of the crackdown may have influenced SAAKASHVILI'S decision to step down as president on 25 November 2007 so that the early presidential election could be held on 5 January 2008. A political dialogue led to some concessions by the authorities on the legal framework for the conduct of elections and the President organised a plebiscite, on the timing of next parliamentary elections, to be held simultaneously with the presidential election.

The 5 January presidential election was the first genuinely competitive presidential election since Georgia's independence, granted in 1991. Incumbent candidate Mikheil SAAKASHVILI, nominated by the National Movement-Democrats (UDM) (an alliance of the two main opposition parties that challenged the 2003 parliamentary election), won 53% of the vote, narrowly avoiding a second round run-off, necessary where no candidate wins at least 50%. Levan GACHECHILADZE, nominated by the National Council (an alliance of 9 opposition parties), won 25% of votes. Davit GAMQRELIDZE of the New Right Party, Shalva NATELASHVILI of the Labour Party and Badri PATARKATSISHVILI, Giorgi MAISASHVILI, and Irina SARISHVILI of the citizens' groups all won less than 10% of the vote each<sup>2</sup>.

Although the 5 January 2008 presidential election in Georgia was welcomed as an important step forward in strengthening Georgia's young democracy, the European Parliament, which sent a delegation chaired by Mrs Marie Anne ISLER BÉGUIN MEP as part of an International Election Observation Mission (IEOM), in their press statement noted that "the distinction between state activities and the former President's campaign was sometimes blurred, contributing to an inequitable campaign environment"<sup>3</sup>. The official result of the 2008 presidential election remains contested, reinforcing the political crisis that began in November 2007.

Prior to the 21 May parliamentary election in Georgia, the international community was seriously concerned about the risk that the election would not help to reduce tensions, but

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<sup>1</sup> Jim NICHOL, Specialist in Russian and Eurasian Affairs: Foreign Affairs, Defense, and Trade Division *CRS Report for Congress Georgia's January 2008 Presidential Election: Outcome and Implications*, 25 January 2008

<sup>2</sup> *Central Election Commission*, Georgia, January 13 2008

<sup>3</sup> European Parliament Election Observation Mission to Georgia: *The Chair Press Statement by Mrs Marie Anne ISLER BÉGUIN, MEP on behalf of the EP Delegation on the Extraordinary Presidential Elections in Georgia of 5 January 2008*, 6 January 2008

rather trigger a serious confrontation<sup>4</sup> and the European Union launched a programme to support increased transparency and credibility of the election, financed by its Stability Instrument.

Tensions with Russia became amplified in the lead up to the election, leading some to anticipate the prospect of war in Georgia<sup>5</sup>. Actions taken by Russia during the 2 months preceding the parliamentary election in Georgia were criticised by the US, the EU and individual member states, other countries and international organisations.

## **Development of the mission**

### **Monday, 19 May 2008 and Tuesday, 20 May 2008**

On the eve of the elections, the EP delegation held meetings with representatives of all major parties in Georgia, participated in the briefings organized by the OSCE/ODIHR Election Observation Mission, met with the Central Electoral Commission chairperson, with the EU Ambassadors and with media representatives and NGOs. The chair of the EP delegation, Mrs . ISLER BEGUIN met Mrs Ekaterine TKESHELASHVILI, Minister for Foreign Affairs of Georgia and then the whole delegation met Mrs Nino BURJANADZE, Speaker of the Parliament of Georgia.

A detailed summary record of these meetings as well as the programme can be found in the Annex A and C of this report.

### **Election Day, Wednesday, 21 May 2008**

The delegation split into four teams as described in annex D. The members of the delegation visited more than 40 polling stations during the Election Day. The teams generally noted that the Election Day proceeded in an orderly manner.

Overall the polling stations were well organised but the teams came across irregularities as well. Voting began on time in most polling stations observed. One of the teams which went to Mzkheta was not allowed to visit a polling station there and later was refused to oversee counting in another polling station. The delegation was informed afterwards that the results in that polling station were cancelled.

Domestic observers and party agents were in general present in the polling stations visited. Campaign signs were not seen in the vicinity of the polling stations in area visited by the delegation, except in Batumi where one of the teams saw voters entering the polling stations with small ads given by the ruling party.

The delegation noted that the voters' lists were incomplete and inaccurate. In Batumi in all polling stations the team visited, the number of ballot papers and envelopes was smaller than the number of voters on the voters' lists. In the same town, the team encountered

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<sup>4</sup> DG EXPO Policy Department, *Note on Georgia: In view of the Parliamentary Elections*, 6 May 2008

<sup>5</sup> Committee on Foreign Affairs, *Exchange of views with Georgi BARAMIDZE, Vice Prime-Minister and the State Minister of Georgia for European and Euro Atlantic Integration*, Tuesday 6 May 2008, Brussels.

tensions outside a polling station. Also in Batumi in a polling station for Internally Displaced People (IDPs), there were serious problems with the voters' lists which did not include the names of IDPs who came long distances to vote there. In addition, the voters' lists contained the names of IDPs who no longer lived in Batumi and who did not know where they could have voted. One of the teams noted also problems with the counting and tabulation of results.

On the election day, the delegation chair was actively engaged in the drafting of the joint preliminary findings and conclusions and the joint press statement of the International Election Observation Mission. The Heads of the delegations met several times during the election day and on the following day in order to discuss their assessment of the election process.

### **Thursday, 22 May 2008**

The delegation met on Thursday morning for a debriefing of the observations on the election day. Mrs ISLER BEGUIN took necessary steps to make sure that the conclusions of the EP delegation were fully reflected in the joint IEOM statement.

After very intense negotiations among the Heads of four parliamentary delegations and the Head of the ODIHR mission, an agreement was reached on the joint preliminary findings and conclusions, which were presented in the joint press conference in the afternoon of 22 May 2008.

The joint IEOM press release and the full summary of the findings of the Election Observation Mission is attached to this report (Annexes E and F).

### **Conclusions**

As a short term election observation delegation, the MEPs concentrated mainly on monitoring the proceedings of the election day. The delegation considers that the substantial international election observation mission deployed in the country has certainly contributed greatly to enhancing the transparency of the whole election process.

The European Parliament delegation, together with the OSCE PA, PACE, NATO PA and OSCE/ODIHR, concluded that the elections in Georgia gave the electorate the opportunity to choose their representatives from amongst a wide area of choices. In addition, Georgian authorities made efforts to conduct these elections in line with the OSCE and Council of Europe commitments but problems were identified, which made the implementation inconsistent (uneven) and incomplete.

The European Parliament delegation chair called on all political parties and stakeholders to make full use of parliamentary procedures to further develop and strengthen democracy in Georgia. After seeing the strong engagement of the civil society and especially the young generation in the elections, she called on all political parties not to miss this opportunity for opening up a real dialog with the civil society in Georgia.

Furthermore, the European Parliament, through the Delegation to the EU-Georgia

Parliamentary Cooperation Committee, is willing to continue to work closely, together with the newly elected Parliament, towards further strengthening the democracy and stability in Georgia.

## **Results**

According to the data provided by the Central Election Commission (CEC)<sup>6</sup> 4 of the 12 main political parties/blocs passed the 5% threshold in the parliamentary election, through the proportional representation system, to win a proportion of the 75 parliamentary seats that are elected using party lists. The remaining 75 seats in Georgia's parliament are elected in single mandate constituencies, through a first-past-the-post system.

The results<sup>7</sup> are the following:

<b>Political Party/Bloc</b>	<b>Proportional (party lists)</b>	<b>Constituencies (first-past-the-post)</b>	<b>Total no.</b>
<b>United National Movement</b>	<b>59.18% (48 seats)</b>	<b>71 seats</b>	<b>119 seats</b>
<b>United Opposition - National Council - New Rights</b>	<b>17.73% (15 seats)</b>	<b>2 seats</b>	<b>17</b>
<b>Christian Democratic Party (Christian Democratic Movement)</b>	<b>8.66% (6 seats)</b>	<b>0</b>	<b>6 seats</b>
<b>Labor Party</b>	<b>7.44% (6 seats)</b>	<b>0</b>	<b>6 seats</b>
<b>Republican Party</b>	<b>3.78%</b>	<b>2 seats</b>	<b>2 seats</b>
Rightist Alliance-Topadze-industrialists	0.93%	0	0
Christian-Democratic Alliance	0.89%	0	0
Georgian Politics	0.46%	0	0
Traditionalists-Our Georgia-Party of Women	0.44%	0	0
Union of Georgian Sportsmen	0.19%	0	0
National Party of Radical-Democrats of Georgia	0.18%	0	0
Our Country	0.12%	0	0

<sup>6</sup> Official data from the Central Electoral Commission of Georgia, <http://cec.gov.ge/?que=eng/press-center/press-releases&info=3942>

<sup>7</sup> Official data from the Central Electoral Commission of Georgia, <http://cec.gov.ge/?que=eng/press-center/press-releases&info=3942>

According to CEC data, the total number of registered voters is 3,465,736, and 1,850,407 voters participated in elections, making the voter turnout 53.9%.

In accordance with the law the final vote count needs only to be signed by the CEC chairman and secretary and the consent of other members of the commission is not required.

It should be noted that the six members of the CEC from the opposition parties/blocs said in a joint statement that they disagreed with the results. The opposition claims that elections were rigged and demanded that repeat parliamentary elections take place.

Immediately following the election, the opposition bloc and the Labor Party both stated that they would not take their seats in the new parliament. The Christian-Democratic Movement declared itself undecided.

### **Events immediately following the election**

- The opposition was not expecting President SAAKASHVILI to announce the first session until the constitutional deadline (10 June 2008, 20 days after the elections) or even after. On 7 June, President SAAKASHVILI announced the first session of the newly elected parliament.
- The decision of the government to announce the first session earlier than expected was part of a tactic to shorten the amount of time that opposition protestors would have to mobilise themselves.
- The United Opposition - National Council - New Rights had announced that they would not recognise the results of the election, but despite earlier pledges no attempt was made to stop government officials or newly elected MPs from entering the parliament building.
- The 6 elected members of the Christian-Democratic Movement were the only newly-elected legislators from the opposition to enter the parliament.
- Mr David BAKRADZE, the former Foreign Minister of Georgia was elected as Speaker of the Georgian Parliament.

**EUROPEAN PARLIAMENT**  
**ELECTION OBSERVATION MISSION TO GEORGIA**  
**PARLIAMENTARY ELECTIONS**  
**18 - 24 May 2008**

**Members of the Delegation**

**Members:**

Mrs Marie Anne ISLER BEGUIN, <i>Chair</i>	Greens/ALE	France	Environment, Public Health and Food Safety
Mr Ryszard CZARNECKI	UEN	Poland	Development
Mr Arpad DUKA-ZOLYOMI	EPP-ED	Slovakia	Human Rights
Mrs Frédérique RIES	ALDE	Belgium	Committee on the Environment, Public Health and Food Safety
Mrs Katrin SAKS	PES	Estonia	Foreign Affairs; Human Rights
Mrs Corien WORTMANN-KOOL	EPP-ED	The Netherlands	International Trade; Women's Rights and Gender Equality
Mr Jaroslav ZVERINA	EPP-ED	Czech Republic	Legal Affairs

**Secretariat of the Delegation:**

Mr Stefan PFITZNER, Head of Secretariat  
Mrs Alina GEORGESCU, Administrator  
Mrs Elke SCHMUTTERER, Assistant

**Secretariat of the Political Groups:**

Mr Marek HANNIBAL, Group of the European People's Party (Christian Democrats) and European Democrats

**Interpreters:**

Mrs Nana CHKOIDZE  
Mrs Mary GOGOLADZE  
Mrs Tinatin MILORAVA  
Mrs Thea KHARCHILAVA  
Mr Zviad MIRGATIA

**Abbreviations :**

EPP-ED	European People's Party/European Democrats	GUE/NGL	European United Left/Nordic Green Left
PSE	Party of European Socialists	IND/DEM	Independence/Democracy Group
ALDE	Alliance of Liberal and Democrats for Europe	UEN	Union for Europe of the Nations Group
Greens/ALE	Greens/European Free Alliance	NI	Non-attached





# EUROPEAN PARLIAMENT

## **ELECTION OBSERVATION MISSION TO GEORGIA PARLIAMENTARY ELECTIONS 18 - 24 May 2008**

### **FINAL PROGRAMME**

Coordination:

**Mr Stefan PFITZNER  
Brussels, WIB 05M41  
Tel: (32 2) 284 26 04**

**Mrs Alina GEORGESCU  
Brussels, WIB 04M65  
Tel: (32 2) 283 24 27**

**Ms Elke SCHMUTTERER  
Brussels, WIB 05M049  
Tel. (32 2) 284 39 31**

**Fax: (32 2) 284 68 30**

**Mobile during the mission:  
+32-476-762 712  
+995-58-184676 / 858184676 (local)**

### **Sunday, 18 May 2008**

Individual arrival of members of the European Parliament delegation at Tbilisi Airport and transfer to

**Hotel MARRIOTT  
Rustaveli Avenue 13  
Tbilisi 380008  
Tel. (+995 32) 779200  
Fax (+995 32) 779210**

*(arranged by the EC Delegation)*

**Credit cards: VISA, American Express, Mastercard**

## **Sunday, 18 May 2008**

16h00 Secretariat meeting of EP and OSCE/ODIHR  
*Venue: Hotel Marriott Tbilisi*

18h00 Meeting with the Secretariat of the EC Delegation  
*Venue: Hotel Marriott Tbilisi*

## **Monday, 19 May 2008**

11h00 Meeting with EP interpreters  
*Venue: Hotel Marriott Tbilisi*

12h00 Working lunch hosted by **H.E. Mr Per EKLUND**, Head of the EC Delegation in Georgia, together with EU Ambassadors  
*Venue: Hotel Marriott Tbilisi, Sanadimo room*

***ALL JOINT MEETINGS OF OSCE/ODIHR, OSCE PA, PACE AND EP WILL TAKE PLACE AT HOTEL MARRIOTT TBILISI (BALL ROOM)***

<b>Time</b>	<b>Event</b>
12:00	<b>Briefing packs and accreditation ID available for collection</b>
14:00- 14:15 <i>(15 min)</i>	<b><u>Opening by the Heads of Parliamentary Delegations</u></b> <ul style="list-style-type: none"><li>▪ Mr. João Soares, Head of Delegation of the OSCE Parliamentary Assembly, Vice-President of the OSCE Parliamentary Assembly and Special Co-ordinator of the OSCE CiO to lead the OSCE STOs</li><li>▪ Mrs. Marie Anne Isler Béguin, Head of Delegation of the European Parliament</li><li>▪ Mr. Eduard Linter, member of the CoE Parliamentary Assembly delegation to observe the Parliamentary election in Georgia, <i>instead of Mr. Matyas Eörsi, Head of Delegation of the CoE Parliamentary Assembly</i></li><li>▪ Mr. Bruce George, Head of Delegation of the NATO PA</li></ul>
14:15 – 14:45 <i>(30 min)</i>	<b><u>Political Background</u></b> <ul style="list-style-type: none"><li>▪ Mrs. Marie-Carin von Gumpfenberg, on behalf of Ambassador Terhi Hakala, Head of the OSCE Mission to Georgia</li><li>▪ Mr. Igor Gaon, Special Representative of the Council of Europe Secretary General to Georgia</li><li>▪ Mr. Peter Semneby or his colleague, EU Special Representative for the South Caucasus</li></ul>

	<ul style="list-style-type: none"> <li>▪ Mr Zbigniew Rypacki, NATO Representative in Georgia</li> </ul>
14:45 – 15:25  (40 min)	<p><b><u>OSCE/ODIHR EOM Core Team</u></b></p> <p><b>Introduction</b></p> <ul style="list-style-type: none"> <li>▪ Ambassador Boris Frlec, Head of Mission ( 10 minutes)</li> </ul> <p><b>Political overview, campaign activities and media landscape</b></p> <ul style="list-style-type: none"> <li>▪ Mr. Peter Palmer, Political Analyst (10 minutes)</li> <li>▪ Mr. Rasfo Kužel, Media Analyst, (10 minutes)</li> <li>▪ <i>Questions (10 Minutes)</i></li> </ul>
15:25 – 15:35	<b>Coffee Break</b>

<b>Time</b>	<b>Event</b>
15:35-16:30  (55min)	<p><b><u>Elections framework , polling procedures and observation forms</u></b></p> <ul style="list-style-type: none"> <li>▪ Ms. Marla Morry, Legal Analyst (10 minutes)</li> <li>▪ Ms. Lusine Badalyan, Election Analyst (20 minutes)</li> <li>▪ Mr. Stefan Krause, Deputy Head of Mission (10 minutes)</li> <li>▪ Mr. Anders Eriksson, Statistics Expert (5 minutes)</li> <li>▪ <i>Questions (5 minutes)</i></li> </ul> <p><b>Observers' Safety</b></p> <ul style="list-style-type: none"> <li>▪ Mr. Peter Chilvers, Security Officer (5 minutes)</li> </ul>
16:30 – 17:15  (45 min)	<p><b><u>Electoral Administration</u></b></p> <ul style="list-style-type: none"> <li>▪ Mr. Levan Tarkhishvili, CEC Chairperson</li> </ul>
17:15 – 18:30  (75 min)	<p><b><u>Roundtable with NGO Representatives (International and Georgian)</u></b></p> <ul style="list-style-type: none"> <li>▪ Mrs. Mary O'Hagen, National Democratic Institute</li> <li>▪ Mrs. Tamuna Karostanidze, Transparency International, Georgia</li> <li>▪ Mr. Avtandil Jokhadze, Caucasus Institute for Peace and Development</li> <li>▪ Mr. Archil Gegeshidze, Georgian Foundation for Strategic and International Studies</li> <li>▪ Mrs. Tamar Kaldani, Open Society Georgia Foundation</li> <li>▪ Mr. Irakli Menagharishvili, Strategic Research Centre (tbc)</li> <li>▪ Mrs. Magdalena Frichova, International Crisis group</li> </ul>

18:30 – 19:00  (30 min)	<p><b><u>Roundtable with Observer Organisations</u></b></p> <ul style="list-style-type: none"> <li>▪ Mrs. Eka Siradze, International Society for Fair Elections and Democracy (ISFED)</li> <li>▪ Mr. Giorgi Chkheidze, Georgian Young Lawyers' Association (GYLA)</li> <li>▪ Mr. Koki Ionatamashvili instead of Mr. Michael Devdariani , New Generation New Initiative (NGNI)</li> </ul>
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18h00 Meeting of Heads of Secretariats (EP, OSCE PA, PACE, NATO PA, OSCE/ODIHR)

*Venue: OSCE/ODIHR Office, Hotel SHERATON*

20h00 Dinner hosted by H.E. Mr Boris FRLEC, Head of the OSCE/ODIR Office in Georgia (Heads of Delegations ONLY)

*Venue: Shadow of Metekhi, 29K, Tsamebuli Avenue*

## **Tuesday, 20 May 2008**

Time	Event
09:00 – 11:00  (2hrs)	<p><b><u>Meetings with representatives of Political Parties and Blocs (1<sup>st</sup> session)</u></b></p> <ul style="list-style-type: none"> <li>▪ Mr. Gocha Pipia, Georgian Politics</li> <li>▪ Mr. Davit Usupashvili, Republican Party</li> <li>▪ Mr. Zurab Tkemaladze , Rights Alliance, Topadze - Industrialist (Industry Will Save Georgia, Unity, National Democratic Party)</li> <li>▪ Mr. Kakha Dzaganian, Georgia's Labour Party</li> <li>▪ Mr. David Bakradze, United National Movement - for Victorious Georgia</li> <li>▪ Mr. Nikoloz Machaidze, Georgian Union of Sportsmen</li> </ul>
11:00-11:15	<b>Coffee break</b>
11:15 – 13:00  (1:45hrs)	<p><b><u>Meetings with representatives of Political Parties and Blocs (2<sup>nd</sup> session)</u></b></p> <ul style="list-style-type: none"> <li>▪ Mr. Salome Zurabishvili, Bloc «United Opposition -National Council- New Rights»</li> <li>▪ Mr. Shalva Kuprashvili, All Georgian National Party of Radical Democrats</li> <li>▪ Mr. Giorgi Maisashvili, Christian-Democratic Alliance</li> <li>▪ Mr. Giorgi Rukhadze, Christian-Democratic Movement</li> <li>▪ Mr. Guguli Magradze, Bloc «Traditionalists-Our Georgia-Woman's party» (not present)</li> <li>▪ Mr. Tamaz Gugunishvili, Our Country</li> </ul>

13:00 – 14:00  (1hrs)	<p><b><u>Roundtable with Media Representatives, TBC</u></b></p> <ul style="list-style-type: none"> <li>▪ Mr. Sophio Britanchuk, Georgian National Communication Commission</li> <li>▪ Mr. Genadi Uchumbegashvili, Internews Georgia (Media NGO)</li> <li>▪ Mr. Levan Kubaneishvili, Public TV</li> <li>▪ Mr. Davit Akubardia, Kavkazia TV</li> <li>▪ Mr. Koba Liklikadze, Radio Free Europe / Radio Liberty</li> <li>▪ Mr. Lasha Tugushi, Rezonansi newspaper</li> </ul>
14:00	<p><b><u>Concluding Remark</u></b></p>
14:10	<p><b><u>Deployment</u></b></p> <ul style="list-style-type: none"> <li>▪ Area specific briefing conducted by OSCE/ODIHR LTO teams 1/2</li> <li>▪ Meeting with interpreters and drivers</li> </ul>

14h00 Meeting with Mrs Ekaterine TKESHELASHVILI, Minister for Foreign Affairs of Georgia

*Venue: Ministry for Foreign Affairs*

15h00 Meeting with Mrs Nino BURJANADZE, Speaker of the Parliament of Georgia

*Venue: Parliament of Georgia*

16h00 *Departure for Batumi (by car) - Mr DUKA-ZOLYOMI, Mr ZVERINA, Mrs GEORGESCU*

16h00 Meeting with Mrs Nino NAKASHIDZE, Co-Chair of the EU-Georgia PCC

*Venue: Parliament of Georgia*

17h00 Meeting of EP Delegation

*Venue: MARRIOTT Hotel Tbilisi*

18h00 Meeting of Heads of Delegations EP, OSCE PA, PACE, NATO PA, OSCE/ODIHR)

*Venue: OSCE/ODIHR Office, Hotel SHERATON*

20h00 Dinner hosted by Mrs Marie Anne ISLER BEGUIN, Chair of the EP Delegation (Heads of Delegations ONLY)

*Venue: Restaurant Kopala, Tbilisi, tel. 77 55 20*

### **Wednesday, 21 May 2008**

Deployment of EP observation teams / Observation of the Parliamentary Elections

**Tbilisi:** ISLER BEGUIN, PFITZNER, SCHMUTTERER (departure 7h30)  
**Mzkheta** (former capital of Georgia)/Tbilisi: WORTMANN-KOOL,  
CZARNECKI, HANNIBAL (departure 7h00)  
**Gori:** SAKS, RIES (departure 6h30)  
**Batumi** (departure 20 May 16h00/return 21 May 23h00): DUKA-ZOLYOMI,  
ZVERINA, GEORGESCU  
*Accommodation: Hotel DAVID, Baratashvili street 33, Tel. +995 222 71718*

- 14h00 Meeting with Mr Giga BOKERIA, Deputy Foreign Minister of Georgia (Chair ONLY)  
*Venue: MARRIOTT Hotel Tbilisi*
- 14h00 Meeting of Heads of Secretariats (EP, OSCE PA, PACE, NATO PA, OSCE/ODIHR)  
*Venue: OSCE/ODIHR Office, Hotel SHERATON*
- 18h00 Meeting of Heads of Delegations EP, OSCE PA, PACE, NATO PA, OSCE/ODIHR)  
*Venue: OSCE/ODIHR Office, Hotel SHERATON*

### **Thursday, 22 May 2008**

Assessment of elections

- 8h30 Breakfast Debriefing of EP Delegation  
*Venue: MARRIOTT Hotel Tbilisi, Sanadimo room*
- 10h00 Meeting of Heads of Delegations EP, OSCE PA, PACE, NATO PA, OSCE/ODIHR)  
*Venue: OSCE/ODIHR Office, Hotel SHERATON*
- 10h30 Visit of Georgian cultural heritage
- 15h00 Debriefing with the EC Delegation, EU Presidency and the EU Special Representative for the South Caucasus  
*Venue: MARRIOTT Hotel Tbilisi, Sanadimo room*
- 17h00 Press conference  
*Venue: Hotel Sheraton*
- 19h00 Meeting with Mr Mikhail SAAKASHVILI, President of Georgia  
*Venue: Presidential Residence*
- 21h00 Dinner hosted by Mrs Marie Anne ISLER BEGUIN, Head of the EP EOM Delegation  
*Venue: Restaurant "The Mill", Tbilisi*

**Friday, 23 May 2008**

15h00 Meeting with H.E. Mr Eric FOURNIER, French Ambassador to Georgia, representing the Slovenian Presidency-in-Office of the Council of the European Union

*Venue: MARRIOTT Hotel Tbilisi*

17h00 Meeting with Mr David BAKRADZE, United National Movement - for Victorious Georgia

*Venue: Headquarter of the United National Movement*

**Saturday, 24 May 2008**

Departure of the delegation

## ANNEX D

### DEPLOYMENT TEAMS

#### **Tbilisi:**

Mrs Marie Anne ISLER BEGUIN, MEP (*Chair*), Green/ALE, France

Mr Stefan PFITZNER (*Head of Secretariat*)

Mrs Elke SCHMUTTERER (*Assistant*)

#### **Mzkheta:**

Mrs Corien WORTMANN-KOOL, MEP, EPP-ED, The Netherlands

Mr Ryszard CZARNECKI, MEP, UEN, Poland

Mr Marek HANNIBAL (*Political Group Secretariat*), EPP-Christian Democrats

#### **Gori:**

Mrs Katrin SAKS, MEP, PES, Estonia

Mrs Frédérique RIES, MEP, ALDE, Belgium

#### **Batumi:**

Mr Arpad DUKA-ZOLYOMI, MEP, EPP-ED, Slovakia

Mr Jaroslav ZVERINA, MEP, EPP-ED, Czech Republic

Mrs Alina GEORGESCU (*Administrator*)





# EUROPEAN PARLIAMENT

## ELECTION OBSERVATION MISSION TO GEORGIA THE CHAIR

### **PRESS STATEMENT** **by Mrs Marie Anne ISLER BÉGUIN, MEP** **on behalf of the EP Delegation**

### **on the Parliamentary Elections in Georgia of 21 May 2008**

**Tbilisi, 22 May 2008.** A Delegation of seven Members of the European Parliament, led by Mrs Marie Anne ISLER BÉGUIN and composed of Mr Ryszard CZARNECKI, Mr Arpad DUKA-ZOLYOMI, Mrs Frédérique RIES, Mrs Katrin SAKS, Mrs Corien WORTMANN-KOOL and Mr Jaroslav ZVERINA, have stayed in Georgia since 18 May 2008 and observed the parliamentary elections on 21 May 2008.

The parliamentary elections in May were originally scheduled to take place later during this year, but were brought forward as a result of the referendum held simultaneously with the presidential elections on 5 January 2008.

On Election Day, the Delegation of the European Parliament, composed of 7 Members and staff, deployed in Tbilisi, Batumi, Gori and Mzkheta and visited more than 40 polling stations. This was complemented with several coordination meetings with other observing organisations, most notably OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the NATO Parliamentary Assembly (NATO PA), domestic organisations as well as candidates from the 12 registered parties.

Having visited more than 40 polling stations, the Members of the European Parliament Delegation welcomed that these elections offered an opportunity for the Georgian people to elect their representatives out of a wide range of political choices and their personal experience was overall positive. According to the Chair of the Delegation “the elections confirmed the improvements in the electoral environment. But shortcomings were again identified, those being caused by the inconsistent and incomplete implementation of the OSCE and Council of Europe commitments and standards. The political parties were able to campaign throughout the whole country and thanks to the reform of the electoral code they also participated in the work of the election committees on local (PECs) and district level (DECs) and strengthened thus the democratic process. That is why we call in particular on all parties, opposition as well as government, to make use of the democratic procedures also for complaints and appeals and to use the parliamentary procedures to further develop the electoral law and strengthen democracy in Georgia.”

The European Parliament Delegation expressed its concern about the polarisation during the campaign period and the cases of intimidation of candidates, activists and voters. “The newly elected parliament will have to bridge those differences and should work in the respect of democratic rules. As European Parliament, we offer our close cooperation and our commitment to

stability, democracy and prosperity in Georgia which we want to strengthen through the European Neighbourhood Policy.”

The Chair of the Delegation stated in the press conference that “all political parties, government and opposition, should not miss this opportunity to make use of democratic rules and should invest itself in opening up real dialogue to solve Georgia’s problems.”

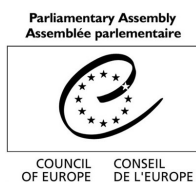
The Delegation adopted a joint statement with the OSCE/ODIHR, the OSCE PA, PACE and the NATO PA with a detailed presentation of preliminary findings and conclusions.

*For further information contact:*

*Stefan PFITZNER, Head of Secretariat, Tel. +32-498- 98 32 95,*

*e-mail: [stefan.pfitzner@europarl.europa.eu](mailto:stefan.pfitzner@europarl.europa.eu)*

*Statement of preliminary findings and conclusions of the International Election Observation Mission (IEOM): <http://www.osce.org/odihr/>*



## ANNEX F



## Despite efforts to conduct Georgia's elections in line with standards, observers identify problems

TBILISI, 22 May 2008 – Political stakeholders in Georgia made efforts to conduct yesterday's parliamentary elections in line with international standards, but a number of problems were identified which made their implementation uneven and incomplete, the International Election Observation Mission said in a preliminary statement released today (attached).

The observers noted that voters were offered a wide array of choices to select their representatives. The legal framework was generally conducive to the conduct of democratic elections, although remaining inconsistencies negatively affected its implementation. After failed talks, the government unilaterally changed the election system shortly before the elections in a manner seen by the opposition as favouring the ruling party.

Parties were able to campaign actively, but there were numerous allegations of intimidation, some of which could be verified. The distinction between state activities and the government party's campaign was often blurred. The media, in particular public TV, offered voters a diverse range of views. The election administration worked in a transparent manner, but election commissions and courts generally did not give due consideration to complaints.

Election day was overall calm and generally assessed positively, although problems with inking and instances of pressure on observers and proxies were noted. Counting and tabulation was evaluated less positively, with many significant procedural shortcomings observed.

"These elections were not perfect, but since I was here in January for the presidential election, concrete and substantial progress has been made. Problems and much work remain. I hope all political forces in this country will come together and continue to work to improve Georgia's democracy," said João Soares, Special Co-ordinator of the OSCE short-term observers and head of the OSCE Parliamentary Assembly delegation.

"The Georgian people expressed their political will in yesterday's elections. They did so in the hope of putting an end to a political conflict and the start of a new dialogue between all political forces in this country. Despite improvements to the election environment these elections did not make full use of the democratic potential of Georgia. All political forces should now commit themselves to constructive dialogue and compromise in order to address Georgia's many challenges, including the reform of its electoral framework," said Mátyás Eörsi, head of the delegation of the Parliamentary Assembly of the Council of Europe.

"Having seen the strong engagement of civil society and especially of the young generation in this election, I call on all political parties not to miss this opportunity for opening up real dialogue with the civil society," said Marie Anne Isler Béguin, head of the European Parliament delegation.

“I have seen significant changes in Georgia, particularly in democratization and the electoral process, since I headed short-term observation missions in 1999, 2003 and 2004. This process has yet to be completed, and these elections show the need for closer cooperation with the international community to push the process forward both further and faster”, said Bruce George, head of the NATO Parliamentary Assembly delegation.

“Voting and counting is now over, but this election process continues: a lot will depend now on the tabulation of results and the way complaints and appeals will be handled by the authorities. We will remain in Georgia to closely monitor this process”, said Ambassador Boris Frlec, head of the long-term election observation mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

*The International Election Observation Mission is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).*

*For further information contact:*

Klas Bergman, OSCE PA, +995 (8) 951 39 653 or +45 60 10 83 80, [klas@oscepa.dk](mailto:klas@oscepa.dk)

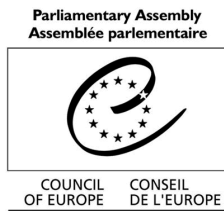
Jens-Hagen Eschenbächer, OSCE/ODIHR, +995 (8) 95 218 605 or +48 603 683 122, [jens.eschenbaecher@odihr.pl](mailto:jens.eschenbaecher@odihr.pl)

Bas Klein, PACE, +33 662 26 54 89, [bas.klein@coe.int](mailto:bas.klein@coe.int)

Stefan Pfitzner, EP, +32 49 89 83 295, [stefan.pfitzner@europarl.europa.eu](mailto:stefan.pfitzner@europarl.europa.eu)

Zachary Selden, NATO PA, +32 486 322 809, [zselden@nato-pa.int](mailto:zselden@nato-pa.int)

## ANNEX G



## INTERNATIONAL ELECTION OBSERVATION MISSION

### Georgia — Parliamentary Elections, 21 May 2008

#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Tbilisi, 22 May 2008** – The International Election Observation Mission (IEOM) for the 21 May 2008 parliamentary elections in Georgia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA).

The elections are assessed for their compliance with OSCE and Council of Europe commitments and standards for democratic elections and national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, the handling of possible post-election day complaints or appeals, and the conduct of possible second-round contests. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The institutions represented in the IEOM thank the Georgian authorities for their co-operation and stand ready to continue their support for the conduct of democratic elections.

#### **Preliminary Conclusions**

The 21 May parliamentary elections originally scheduled for later in the year were brought forward following a plebiscite which was held simultaneously with the 5 January 2008 presidential election.

Since then improvements to the electoral process were introduced. Yet, distinct challenges remain to be addressed in order to overcome a lack of trust, and to instill broad confidence amongst election stakeholders and the public. This will require a continuing commitment on the part of the Government, as well as from all other political actors.

Overall, these elections clearly offered an opportunity for the Georgian people to choose

their representatives from amongst a wide array of choices. The authorities and other political stakeholders made efforts to conduct these elections in line with OSCE and Council of Europe commitments. The International Election Observation Mission (IEOM) identified a number of problems which made this implementation uneven and incomplete.

The Unified Election Code (UEC) is generally conducive to the conduct of democratic elections. Recent amendments to the UEC address a number of recommendations of the OSCE/ODIHR and the Council of Europe, including lowering the electoral threshold from seven to five per cent and abolishing voter registration on election day. However, remaining inconsistencies, gaps, and ambiguities in the UEC left room for varying interpretation, thus negatively affecting its consistent implementation.

Following the breakdown of dialogue between the Government and the opposition, the election system was changed two months prior to the elections without consensus among key stakeholders, and in a manner viewed by the opposition as favouring the ruling United National Movement (UNM). The wide variation of the number of voters registered in individual single-mandate constituencies undermines the fundamental principle of the equality of the vote.

Twelve political parties and electoral blocs were registered in an inclusive and transparent process. However, the Central Election Commission (CEC) would have enhanced transparency by making the UNM party list available to all CEC members immediately when requested.

Parties were able to campaign around the country, although within a polarized and tense environment. The distinction between state activities and the UNM campaign was often blurred, contributing to inequities in the campaign. A number of the latest UEC amendments enabled the use of administrative resources for campaign purposes and allowed political officials to mix campaign activities with official duties, contrary to OSCE commitments which stipulate a clear separation between state and party.

The numerous allegations of intimidation of candidates, party activists and state employees negatively affected the campaign environment. While difficult to verify, some of the claims examined by the OSCE/ODIHR EOM were found to be credible. President Saakashvili called on public officials not to interfere in the electoral process.

The media generally offered voters a diverse range of views. The newly elected Board of Trustees of the Georgian Public Broadcaster (GPB) initiated a memorandum of understanding between GPB and all election subjects on impartial campaign coverage. Public TV offered the electorate a valuable opportunity to compare parties and candidates. However, the campaign coverage in the news of most other broadcasters monitored lacked balance, with the UNM and the authorities receiving the most coverage.

The CEC largely operated in a transparent manner, holding frequent meetings open to observers and media. However, the CEC did not act in a collegial manner, and on contentious issues CEC members failed to act independently as required by law. Specifically for these elections, party representation was introduced in District Election

Commissions (DECs), extending it to all levels of the election administration. The UNM held a de facto majority on DECs and Precinct Election Commissions (PECs), and opposition parties were under-represented in the managerial positions at PEC level. On the other hand, transparency of the process was enhanced by the CEC decisions to accredit a large number of domestic non-party observer organizations, in line with the OSCE commitments.

The CEC conducted a voter education campaign through the national media and training of election officials, including in national minority languages. Most parties and electoral blocs included representatives of national minorities in their candidate lists. Overall, women were under-represented as candidates and at the top level of the election administration.

Complaints and appeals procedures were simplified and clarified to some extent, but they remain contradictory and ambiguous. Short timeframes for filing and consideration of complaints and appeals compromise the right to due process and thus challenged effective means of redress. Election commissions and courts generally did not give due consideration to complaints, with an apparent bias in favour of UNM and public officials. In some cases they refused to hear relevant witnesses or view documented evidence, failed to address all relevant facts or provide legal reasoning, and applied unsound interpretations of law.

Election day was generally calm, and overall, voting was assessed positively by the large majority of IEOM observers, with regional variations. However, there were procedural shortcomings, especially with regard to inconsistent application of inking procedures. Inaccuracies remain in the voter list, despite verification efforts undertaken by the CEC. In a considerable number of polling stations, a relatively high number of voters were added to mobile voter lists. Cases of domestic observers and proxies being pressured or expelled from polling stations were noted. Counting was assessed less positively, with significant procedural shortcomings observed, as was tabulation.

## **Preliminary Findings**

### **1.1. Background**

The President of Georgia, Mikheil Saakashvili, on 21 March 2008, called parliamentary elections for 21 May 2008. Originally scheduled for later in 2008, the elections were brought forward following a plebiscite which was held simultaneously with the 5 January 2008 presidential election. President Saakashvili proposed the plebiscite following opposition demonstrations in November 2007. One of the key demands was that the parliamentary elections be brought forward.

Following the highly polarized January presidential election, some headway appeared to be made in dialogue between the governing United National Movement and opposition parties. The main opposition bloc put forward a memorandum listing 17 demands, and

the UNM responded by putting forward its proposals. Progress in discussions on a new electoral system proved to be short-lived. In March, the political atmosphere deteriorated again, as during the negotiations several opposition members held a 17-day hunger strike, which ended with most of the opposition's demands not being met.

## **Election System and Legal Framework**

The new parliament will have 150 members – 75 elected proportionally based on national party lists, and 75 elected from single-mandate constituencies<sup>8</sup>. If no candidate in a single-mandate constituency secures 30 per cent of votes cast, a second round is held between the top two candidates. The UEC does not require single-mandate constituencies to be of equal or comparable size; in these elections the number of voters registered in individual constituencies, which as a rule coincides with the administrative districts, ranged from around 6,000 to over 140,000. Such large variations undermine one of the main principles of electoral rights, namely equality of the vote.<sup>9</sup>

The Constitution (1995) and the Unified Election Code (2001) are the primary legal instruments regulating elections. Only two months prior to the elections, major changes to the parliamentary election system were introduced into the Constitution (11 and 12 March) and the UEC (21 March). Opposition parties viewed these changes as favouring UNM.<sup>10</sup> Recent amendments to the UEC address a number of recommendations of the OSCE/ODIHR and the Council of Europe<sup>11</sup>, including lowering the electoral threshold from seven to five per cent and abolishing voter registration on election day, but others remain unaddressed. While key stakeholders expressed concern at the inadequate level of consultations during the amendment process, it should be noted that the opposition boycotted parliamentary proceedings.

The UEC is generally conducive to the conduct of democratic elections. Yet it includes a number of new provisions that create unequal conditions in favour of the incumbents. In particular, Article 76 allows for use of certain administrative resources for campaign purposes<sup>12</sup>. While public servants are allowed to campaign outside their duties, Article 76 *prima 1*, specifically permits political officials<sup>13</sup> to mix campaign activities with official duties. This falls short of OSCE commitments<sup>14</sup>. Remaining inconsistencies, gaps, and

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<sup>8</sup> Under the previous system, which was used in the 2003–2004 elections, 150 members of parliament were elected under a proportional system, and 75 in single-mandate constituencies. In addition, members of parliament elected in Abkhazia in 1992 retained their seats.

<sup>9</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document commits OSCE participating States to “guarantee universal and equal suffrage to adult citizens.” The Venice Commission’s Code of Good Practice in paragraph 2.2 recommends that “the permissible departure from the norm should not be more than 10%, and should certainly not exceed 15%, except in special circumstances.”

<sup>10</sup> The opposition had advocated the introduction of a regional proportional election system instead of a single-mandate majoritarian system.

<sup>11</sup> A number of recommendations made by other organizations, including Georgian NGOs were also addressed.

<sup>12</sup> Allowing use of publicly funded buildings, communication means and vehicles on condition that equal access is provided to all election subjects was not workable in practice, thus benefiting the ruling party.

<sup>13</sup> Politically appointed or elected officials such as the President, ministers, members of parliament or heads of local self-government bodies.

<sup>14</sup> Paragraph 5.4 and 7.6 of the 1990 OSCE Copenhagen Document. The former calls for a clear



ambiguities in the UEC left room for varying interpretation, thus negatively affecting its consistent implementation.

## 1.2. Election Administration

The parliamentary elections were administered by a three-tier election administration consisting of the Central Election Commission (CEC), 76 District Election Commissions (DECs) and 3,558 Precinct Election Commissions (PECs). In addition, 72 special polling stations<sup>15</sup> were established, as were 47 polling stations at Georgian diplomatic missions abroad, and two special precincts for Georgian military in Iraq.

The CEC was active in preparations of the elections but it did not act in a collegial manner, reflecting the general political polarization. On contentious issues CEC members failed to act independently as provided by law. The CEC held frequent sessions open to observers, party proxies and the media. It generally operated in a transparent manner. The CEC also conducted voter information campaigns on various aspects of the election process. The training of DECs and PECs was assessed overall positively by the OSCE/ODIHR EOM.

Specifically for these elections, and in response to opposition demands, the composition of DECs was changed to provide for party representation. DEC membership was increased from five to 13 members, with seven members nominated by political parties financed from the State budget, bringing the composition of DECs in line with that of the CEC and PECs. According to OSCE/ODIHR EOM observers, DECs appeared in general well aware of their duties. However, opposition appointees were at times excluded from DECs' activities<sup>16</sup>, and DECs were not always acting as collegial bodies. Although DEC meetings were generally open, OSCE/ODIHR EOM observers, domestic observers and party proxies noted a lack of transparency in several DECs, in particular in Dusheti, Bolnisi and Tsalka.

The UNM held a de-facto majority in DECs and PECs and opposition parties were under-represented in PEC managerial positions. A considerable number of party-appointed PEC members were replaced just before the legal deadline. Opposition parties told the OSCE/ODIHR EOM that such changes were a result of problems identifying suitable candidates, or to avoid intimidation of its PEC members. The OSCE/ODIHR EOM heard a number of allegations that party-appointed PEC members were intimidated and pressured to resign. Around 25 of such claims were examined by the OSCE/ODIHR EOM and found to be credible.

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separation between the State and political parties and the latter commits the state to "provide ... necessary legal guarantees to enable [political parties] to compete with each other on the basis of equal treatment before the law and by the authorities."

<sup>15</sup> At military units, detention centres, hospitals etc.

<sup>16</sup> Opposition-appointed DEC members have complained to the OSCE/ODIHR EOM that they are not always given access to all relevant documentation and are not always informed about when DEC sessions are to be held. OSCE/ODIHR LTOs have confirmed this information.

## **Voter Registration**

The CEC is responsible for the maintenance of the centralized voter register. The latest UEC amendments abolished election-day registration and extended the period for public scrutiny of voter lists from 12 to 19 days (17 April to 5 May for these elections). Voter lists were available for public scrutiny at PECs and DEC. Voters could also check their names through the Internet, a CEC hotline or SMS. On 5 May, the CEC extended – upon the request of opposition CEC members – the scrutiny period to 8 May. On 16 May, within the legal deadline, the CEC announced that the total number of registered voters was 3,456,936.

OSCE/ODIHR observers reported that voter lists were generally displayed at PECs. The process of incorporating into the general list the names of voters from additional lists compiled on election day during the 2008 presidential election was described as non-transparent by domestic observers because they were not given with complete data and the criteria for inclusion were not explained.

The voter registration has overall been improved in Georgia in the last decade. However, many stakeholders continued to express concerns regarding the accuracy of the voter list, claiming that the number of records was inflated due to records of deceased persons in the list, multiple records, and non-existing buildings as registration addresses. OSCE/ODIHR EOM observers substantiated cases of the latter.

## **Candidate Registration**

Under the Constitution and the UEC, only political parties and electoral blocs registered by the CEC may submit party lists and nominate majoritarian candidates; the law does not allow individual nominations, in clear breach of international commitments.<sup>17</sup> The latest UEC amendments reduced the number of support signatures for non-parliamentary parties from 50,000 to 30,000. Eighteen of the 28 non-parliamentary parties which submitted signatures to the CEC were denied registration due to insufficient valid signatures. Twelve election subjects were registered in these elections: nine parties and three blocs.<sup>18</sup>

The generally inclusive and transparent registration process offered an opportunity for the Georgian people to choose their representatives from amongst a wide array of choices. On 21–22 April, following the last-minute withdrawal of Parliament Speaker Nino Burjanadze, who was to head the UNM list, opposition CEC members demanded to see the UNM list to know whether the UNM would change their list after the legal deadline.

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<sup>17</sup> Paragraph 7.5 of the OSCE Copenhagen Document states that participating States will respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.

<sup>18</sup> These included the Republican Party, which was in the main opposition bloc for the presidential election but stood alone in these elections; the Labour Party of Georgia; the UNM; the United Opposition – National Council – New Rights (United Opposition), whose candidate Levan Gachechiladze came second in the January presidential election; and the recently formed Christian-Democratic Movement (CDM).

These events were characterized by a serious lack of transparency, as some CEC opposition members were refused access to the lists for a protracted period.

### 1.3. Campaign Environment

In general, all parties were able to campaign throughout the country. The elections took place in a highly polarized environment, compounded by numerous allegations of intimidation, the numbers of which increased closer to election day, and opposition mistrust in the electoral process. Two leading United Opposition figures warned of rebellion “in case the elections were rigged”. There were several allegations of obstruction of the relatively small scale opposition campaign events. Campaign billboards were particularly in evidence in Tbilisi, mostly for the UNM.

The UNM’s campaign focused on measures to eradicate poverty, as well as on the Government’s record. Some opposition parties also campaigned on issues, including economic and constitutional reforms. Local issues were frequently stressed. The tone of some opposition parties’ campaigning was highly negative, highlighting alleged violations by the authorities.

Some United Opposition leaders directed strongly worded criticisms at leading UNM figures, as well as highly personalized attacks on the CEC Chairman. On 1 May, United Opposition leaders led a march to the CEC, which resulted in violent scuffles with police.

The numerous allegations of intimidation of candidates, party activists and state employees negatively affected the campaign environment. While difficult to verify, particularly in a polarized environment, some of the claims examined by the OSCE/ODIHR EOM were clearly found to be credible. Such cases were reported particularly from Kakheti, parts of Mtskheta-Mtianeti, Shida Kartli, Imereti, Guria and Adjara. These included a number of verified claims of pressure on opposition supporters by local officials to desist from campaigning, and of threats by school principals and UNM officials that teachers would lose their jobs if they continued to work for opposition parties. There were also allegations that people with relatives in pre-trial detention could supposedly secure their release if they collected pledges of votes for the UNM, which were corroborated by credible witnesses in Tbilisi and Guria<sup>19</sup>.

An audio recording implicating the UNM majoritarian candidate in Tsageri with threatening state officials with dismissal if they did not secure 80 per cent<sup>20</sup> support for the UNM was presented by the United Opposition, who claimed such pressure was widespread. The candidate withdrew from the election. President Saakashvili reacted strongly, warning against illegal practices. The Interior Ministry warned its officers to restrict themselves to ensuring a secure campaign environment.

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<sup>19</sup> Such practices are inconsistent with paragraph 7.7 of the 1990 OSCE Copenhagen Document which requires that campaigning be conducted in a fair and free atmosphere without administrative action, violence or intimidation.

<sup>20</sup> The UNM candidate’s estimate of the percentage of the population employed in public service in Tsageri.

The distinction between state and political party was frequently blurred<sup>21</sup>. For example, Government social programmes such as the distribution of fuel vouchers in rural areas were at times combined with campaign activities for the UNM, although less than previously.<sup>22</sup> Opposition parties further alleged that the UNM enjoyed unequal access to administrative resources.<sup>23</sup> Regional governors engaged in campaigning for the UNM while carrying out work duties, which, as they are public servants, and not political officials, is prohibited. In villages near Kareli on 5 May, the OSCE/ODIHR EOM observed the Governor of Shida Kartli campaigning together with the UNM majoritarian candidate.

#### 1.4. Participation of Women and National Minorities

There are neither legal barriers to the participation of women in elections, nor legal provisions to promote their participation. While there are some prominent women in politics, women are overall under-represented, and few women candidates were highly visible in the campaign. There are no rules regarding women on candidate lists, but all major political parties had at least one female among the top ten of their proportional lists. Overall, 28 per cent of candidates on proportional lists were women, while 12 per cent of candidates in single-mandate districts (58) were women. Only one of 13 CEC members is a woman. Of the 76 DEC chairpersons, 15 are women. In polling stations visited by IEOM observers on election day, 45 per cent of PEC chairpersons were women. A number of Georgian NGOs conducted programmes aimed at female voters in rural areas.

National minorities enjoy full political rights under the Constitution, and make up 16.2 per cent of the population. The most significant minority groups are Azeris (6.5 per cent) and Armenians (5.7 per cent), concentrated in regions bordering Azerbaijan and Armenia. Several parties and blocs included members of national minorities in lists and as majoritarian candidates, nominating them<sup>24</sup> in districts where minorities form a substantial part of the population. In regions with significant minority populations, the CEC provided PECs with election materials in Armenian, Azeri, Ossetian and Russian. During the public scrutiny period, voter lists were only available in Georgian.

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<sup>21</sup> In contravention of paragraph 5.4 of the OSCE Copenhagen Document.

<sup>22</sup> In Tkibuli, UNM activists acknowledged to the OSCE/ODIHR EOM that they had distributed fuel vouchers from the UNM office.

<sup>23</sup> In Kakheti, the UNM enjoyed the privileged use of several state buildings, including the Cultural Centre, for which opposition parties were charged rates. An official at the centre confirmed that the UNM had used the building several times, without paying.

<sup>24</sup> The Republicans had five minority representatives on their party list; the Labour Party one; the UNM eight; the United Opposition seven; and the Christian-Democratic Movement none. The Republicans and the UNM placed minority representatives relatively high on their lists, the highest being at number nine and 29, respectively, while the United Opposition's highest-placed minority candidate was in 85<sup>th</sup> place.

## 1.5. The Media

The media generally provided voters with a diverse range of views, thus allowing them to make a more informed choice on election day. Public TV, in particular, offered the electorate a valuable opportunity to compare parties and candidates through talk shows, free-of-charge presentations, news reporting of the campaign and televised debates, including one between the UNM and the United Opposition. Private broadcasters also offered airtime for free-of-charge spots and organized talk shows attended by different political parties and candidates. The very high cost of paid political advertising limited contestants' possibilities to campaign on television. The main channels charged approximately ten times higher rates than for commercials.

The newly elected Board of Trustees of the Georgian Public Broadcaster (GPB) – which includes nominees from the ruling party and the opposition – initiated a memorandum of understanding between GPB and all election subjects on impartial campaign coverage.

Despite the pluralistic media environment, most outlets remain under strong influence from their owners and political patrons. As such, all five main TV channels were under some influence from candidates and political parties, which was an obstacle to covering all election subjects in a non-discriminatory manner as provided by law<sup>25</sup>. This resulted in campaign news coverage lacking balance on all monitored TV stations, apart from public TV, with the UNM receiving the most coverage on almost all stations.

Most monitored TV channels<sup>26</sup>, including public TV, devoted significant and favorable coverage to activities of the authorities. For example, four main TV channels broadcast live a 22-minute prime-time news item about a meeting of the President, cabinet ministers and regional officials in Kutaisi. Media coverage of appearances of the President, Government ministers and local government representatives at ceremonial events, often in the presence of UNM candidates introduced as such, indirectly benefited the UNM campaign.

During the media monitoring of the last six weeks of the election campaign, public TV devoted similar proportions of its political and election prime-time news coverage to the United Opposition (18 per cent) and the UNM (17 per cent). While the ruling party was given overwhelmingly positive coverage, the coverage of the main opposition bloc was mainly neutral. The biggest share, however, was devoted to the President and the Government (together 32 per cent) with an overwhelmingly positive tone.

Rustavi 2 and Mze devoted extensive, favorable coverage to the incumbents. Due to verbal and physical attacks on their journalists by some representatives and supporters of the main opposition bloc, they boycotted the activities of the United Opposition in their news programmes – Mze until 26 April and Rustavi 2 until 28 April. The opposition had in turn boycotted Rustavi 2 and Mze, accusing them of bias in favour of the authorities, and only agreed to live broadcast interviews. While Rustavi 2 and Mze started to cover

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<sup>25</sup> Article 54 of the Law on Broadcasting.

<sup>26</sup> Publicly funded Georgian Public Broadcaster (GPB) and TV Adjara; private Rustavi 2, Mze TV and Kaukazia TV.

activities of the main opposition bloc in their news, it was much less than those of the authorities and the UNM. For example, Mze on weekdays broadcast a ten-minute local Tbilisi news programme (paid for by the Tbilisi municipal administration), which overwhelmingly featured the UNM candidates running in the Tbilisi single-mandate constituencies; other candidates in these constituencies did not receive such coverage. Adjara TV adopted a similar approach. Local Tbilisi TV station Kavkazia, in contrast, served as a platform for the opposition, allocating the bulk of its coverage to the United Opposition and strongly criticizing the UNM.

The CEC conducted its own media monitoring, through a commercial company, and released four media-monitoring reports. While the results indicated imbalances in the news, the Georgian National Communication Commission (GNCC) took no remedial action. Both the CEC and the GNCC reported receiving no media-related complaints.

### **Complaints and Appeals**

The election administration generally failed to exercise its broad authority to investigate and address campaign violations at its initiative. On election night, DEC's responded promptly to a number of complaints, mostly from domestic observers, and invalidated the elections in 13 precincts.

Complaints and appeals filed with the election administration and courts primarily related to decisions and actions of election commissions, with relatively few formal complaints on campaign violations.<sup>27</sup> The UNM filed one complaint. Opposition parties and domestic observers expressed a lack of trust in the election administration, courts, and law enforcement bodies to effectively address election grievances. There are indications that citizens fear submitting information on election-related criminal offences. The relatively high cost of filing court cases is also reported as a deterrent to lodging complaints and appeals.

Complaints and appeals procedures were simplified and clarified to some extent, but they remain contradictory and ambiguous. A significant number of complaints (approximately 20 per cent) were not considered due to procedural reasons, such as unauthorized complainant or submission to a body without jurisdiction. The deadlines for complaints against administrative decisions and timeframes for consideration of complaints and appeals are in themselves too short (1–2 calendar days) to guarantee procedural fairness and due consideration. Complainants and also decision-makers faced difficulty in meeting these tight deadlines.

Election commissions and courts for the most part did not give due consideration to complaints and appeals, with an apparent bias in favour of the ruling party and public officials. In some cases they refused to hear relevant witnesses or view documented evidence, failed to address all relevant facts, applied unsound interpretations of the law, ignored its spirit, or failed to provide legal reasoning. The CEC did not discuss and

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<sup>27</sup> The approximate number of pre-election day complaints and appeals filed is: to DEC's - 64, to the CEC - 26, to the Tbilisi City Court - 28, to other City/Rayon Courts - 8, to Tbilisi Court of Appeal - 14, to Kutaisi Court of Appeal - one, and to the Constitutional Court - two.

analyze complaints in a systematic and legalistic manner, and never adopted legal reasoning for its decisions. CEC lawyers often presented unsound and inconsistent legal arguments to the CEC and courts. In one court case, the CEC lawyer argued that CEC members are permitted to vote on complaints according to their “internal beliefs” and are not bound by law.

Three opposition parties filed complaints in court requesting annulment of the CEC decree that registered the UNM party list, alleging the list had not been submitted in line with legal procedure. In adjudicating these complaints, the judges refused to hear any witness proposed by the complainants to substantiate the allegations, citing several unjustifiable grounds, including lack of time in an election period and that the witnesses were not relevant. The court then rejected the substance of the case because the complainants had not provided corroborating evidence.

A number of complaints on vote buying by UNM candidates and campaigning by public servants were filed and were all rejected by the election administration and courts. In their extensive legal interpretations, which frequently fell short of both the letter and spirit of the law, it becomes apparent that these bodies did not uphold important standards for the conduct of democratic elections. These interpretations offered broad latitude for campaigners to unduly influence voters through vote buying, for campaign activities to overlap with government initiatives, and for public servants to mix official duties with campaign activities, thus contributing to unequal campaign conditions favouring the ruling party. The court held, for instance, that only candidates and party proxies are prohibited from vote buying; thus other campaigners are allowed to do so.

#### 1.6. Domestic and International Observers

There is a vibrant civil society in Georgia with several renowned NGOs active in election observation. Further the authorities have invited a broad range of international observer organisations. The UEC provisions on domestic non-party observers, whose work is equally as valuable as that of their international colleagues, have now largely been brought in line with those for international observers, and now clearly stipulate the right of domestic observers to observe at all levels of the election administration. The registration deadline for local observer organizations was changed from 30 to ten days before election day. However, the UEC does not provide the possibility for observer organizations to correct their applications. The CEC registered 37 domestic and 43 international organizations, as well as 16 embassies, to observe these elections. Competing parties and election blocs had the right to appoint proxies to every commission.

#### 1.7. Election Day

Election day was generally calm, although in some regions, IEOM observers assessed the voting environment as tense and problematic. The CEC started posting polling station results and protocols on its website shortly after midnight on 22 May. During election night, the CEC announced that the elections in 13 polling stations had been annulled

because of “grave violations”, with decisions on other precincts pending. Preliminary CEC data put voter turnout at 55 per cent.

The IEOM observed voting in almost 1,500 polling stations out of a total of 3,630, and counting in some 150 polling stations. The IEOM also observed the tabulation process in 73 DECs.

Opening procedures were assessed positively in 85 per cent of polling stations visited. Instances of procedural shortcomings noted included failure to: record the number of voters in the protocols (8 per cent); seal the ballot boxes (4 per cent); record the serial numbers of seals (6 per cent); and insert control sheets in the ballot boxes (1 per cent). Unauthorized persons were present in 8 per cent of polling stations, but only in three cases were they directing or interfering in the PEC’s work. IEOM observers reported limited delays in the opening of 41 per cent of polling stations visited.

IEOM observers assessed the voting process as good or very good in 92 per cent of polling stations visited. However, the process was assessed more negatively in several regions, specifically Shida Kartli, Samtskhe-Javakheti, Kakheti, Guria and Kvemo Kartli. PECs’ and voters’ understanding of procedures was assessed positively in the overwhelming majority of polling stations visited.

The most widespread procedural violations concerned inking safeguards; in 11 per cent of polling stations visited, voters were not always checked for invisible ink, and in 9 per cent, inking was not always applied. IEOM observers reported from five polling stations that voters who had already been inked were allowed to vote. Other violations included ballot boxes which were not sealed properly (4 per cent), series of seemingly identical signatures (2 per cent), proxy and multiple voting (2 per cent each), group voting (5 per cent) and the same person “assisting” numerous voters (2 per cent). IEOM observers witnessed 12 cases of ballot box stuffing and eight cases of carousel voting. In 5 per cent of polling stations visited, not all voters marked their ballots in secrecy.

IEOM observers noted problems with mobile voting, in particular voters who requested mobile voting not being marked on the general and special voter list (2 per cent). The share of voters entered in the supplementary list exceeded 10 per cent in 10 per cent of polling stations visited.

Circumstances in and around polling stations were at time problematic. Tension inside polling stations was reported from 6 per cent of polling stations visits, and tension or unrest in the vicinity, from 4 per cent. In 1 per cent of polling stations visited, intimidation was noted, and in 3 per cent, persons trying to influence voters were observed. Campaign material was in evidence in 3 per cent of polling stations visited. IEOM observers reported cases of overcrowded polling stations or large number of voters waiting to vote outside polling stations (6 per cent each).

In 21 per cent of polling stations visited, not all voters found themselves on the voter list; overall, the number of voters affected was limited. In 1 per cent of polling stations, voters were denied the right to vote for inappropriate reasons. Ballots in minority languages were generally available in areas where minorities reside, with isolated cases where this



was not the case.

Domestic non-party observers were present in 83 per cent of polling stations visited, and party or bloc proxies in 98 per cent. The IEOM noted instances where observers and proxies were prevented from carrying out their tasks, intimidated, or expelled from polling stations. Unauthorized persons, mostly police and party activists, were seen in 5 per cent of polling stations; there were 16 reports of such persons interfering in or directing the work of the PEC.

In 12 per cent of polling stations visited, official complaints had been filed, with such cases increasing towards the end of voting. NGOs and parties reported that observers and proxies were prevented from filing complaints; IEOM observers directly witnessed seven such cases.

The vote count was assessed less positively; some 22 per cent of IEOM observers assessed it as bad or very bad. A considerable number of PECs did not perform basic reconciliation procedures before opening the ballot boxes, such as counting and entering into the protocols the number of signatures on the voter lists or unused ballots. The mandatory mathematical consistency checks before and at the end of the actual count were frequently skipped. In one of three counts observed, voters' choices were not announced aloud during the count. Determination of ballot validity was not always reasonable and consistent. Unauthorized persons were frequently present and at times participated in the process. IEOM observers reported three cases of outright falsification.

Many PECs had problems filling in the results protocols and revised data entered into the protocol earlier. Cases where protocols had been pre-signed were observed. Those entitled to them received copies of the protocols in almost all cases, but many PECs did not post copies of the protocols for public scrutiny, as required by law. In over one half of the polling stations where the count was observed, the PEC did not transmit the protocols to the CEC by fax immediately after the count.

The tabulation process was assessed critically in some 16 per cent of DEC. IEOM observers noted, in particular, the presence of unauthorized persons and PECs filling in or correcting protocols at the DEC without being allowed to do so. In two thirds of DEC, not all protocols reconciled correctly. In a number of DEC, observers noted a lack of transparency or impediments to the work of observers. A number of DEC finished the tabulation process on election night. Some DEC told IEOM observers that they would only complete their summary protocols closer to the legal deadline for doing so (31 May).

*This statement is also available in Georgian.  
However, the English version remains the only official document.*

## **Mission Information & Acknowledgements**

The OSCE/ODIHR Election Observation Mission opened in Tbilisi on 10 April with 42 experts and long-term observers deployed in Tbilisi and ten regional centres. On election day, the International Election

Observation Mission comprised a total of over 550 observers from 48 countries, including some 400 short-term observers deployed by the OSCE/ODIHR, as well as 71 parliamentarians and staff from the OSCE PA, 24 from the PACE, 11 from the EP and 6 from the NATO PA.

Mr. João Soares (Portugal), Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers. Mr. Mátyás Eörsi (Hungary) headed the delegation of the Parliamentary Assembly of the Council of Europe, Ms. Marie Anne Isler Béguin (France) headed the delegation of the European Parliament, and Mr. Bruce George (United Kingdom) headed the delegation of the NATO PA. Ambassador Boris Frlec (Slovenia) is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the authorities of Georgia for the invitation to observe the election, the Central Election Commission for providing accreditation documents, and the Ministry of Foreign Affairs, the Parliament of Georgia and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Mission to Georgia and other international institutions for their co-operation and support.

For further information, please contact:

- Ambassador Boris Frlec, Head of the OSCE/ODIHR EOM, in Tbilisi (+995–(8)95–218 551);
- Mr. Jens Eschenbächer, OSCE/ODIHR Spokesperson (+48–603–683 122); or Mr. Mats Lindberg, OSCE/ODIHR Election Adviser, in Warsaw (+48–22–520 0600);
- Mr. Klas Bergman, OSCE PA (+45–60 1083 80);
- Mr. Bas Klein, PACE (+33–6–622 65489);
- Mr. Stefan Pfitzner, European Parliament (+32–498–983 295)
- Mr. Zachary Selden, NATO PA (+32–486–322 809)

**OSCE/ODIHR EOM Address:**

Sheraton Metechi Palace Hotel  
20, Telavi Street, 0103 Tbilisi  
Tel: +995–32–487 841  
Fax: +995–32–487 842  
Email: [office@odihr.ge](mailto:office@odihr.ge)