

**INTERIM REPORT NO.1**  
**6–13 December 2007**

**I. EXECUTIVE SUMMARY**

- The Parliament of Georgia called an extraordinary presidential election for 5 January 2008 following the proposal by then President Mikheil Saakashvili to shorten his mandate, which was subsequent to six-days of demonstrations in Tbilisi in early November. The demonstrations were violently dispersed and a state of emergency was imposed from 7 to 16 November.
- The legal framework is generally conducive to the conduct of democratic elections, if implemented in good faith. The Unified Election Code (UEC) was most recently amended after the presidential election was called; such late amendments are generally inconsistent with good practice in electoral matters.
- The election will be administered by a Central Election Commission (CEC), 76 District Election Commissions (DECs), and over 3,400 Precinct Election Commissions (PECs). The recent amendments to the UEC have introduced party representation at the CEC and PECs. The opposition-appointed CEC members have claimed that their parties are not represented in decision-making posts in most PECs. The CEC is actively preparing for the election and holds frequent meetings open to party representatives, media and observers.
- The CEC conducted a door-to-door verification of the voter list in October–November. Some 3.4 million Georgian citizens will be eligible to vote. The introduction of election-day registration of voters has raised concerns among some opposition political parties, which have also questioned the accuracy of the general voter list.
- The election campaign is being conducted in a highly polarized political environment. Opposition candidates have expressed deep mistrust in the election administration and have alleged that they are unable to compete equally with the incumbent. They have also alleged widespread pressure on voters, in particular on state employees. The authorities, for their part, have suggested that the opposition is not willing to respect the outcome of the election.
- The CEC thus far received only one official complaint. Four CEC decisions, all regarding denial of candidate registration, were appealed to the Tbilisi City Court; three cases were dismissed, and one is still pending.
- Private Imedi TV, which was taken off the air in connection with November events, was able to resume operation by 6 December after the temporary suspension of its license was revoked. However, it started broadcasting only on 12 December due to reported considerable damage to its equipment caused during a police raid. Since 7 December, the OSCE/ODIHR EOM has been monitoring five TV stations and six newspapers.
- The CEC registered 34 domestic and six international organizations as election observers.

## II. INTRODUCTION

On 25 November 2007, the Parliament of Georgia called an extraordinary presidential election for 5 January 2008. Following an invitation from the Ministry of Foreign Affairs of Georgia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 6 December 2007 established an Election Observation Mission (EOM) for this election. The OSCE/ODIHR EOM, led by Ambassador Dieter Boden, consists of a 13-member core team based in Tbilisi and 28 long-term observers (LTOs) who were deployed on 13 December and are based in 11 locations throughout the country. Core team members and LTOs are drawn from 25 OSCE participating States. Participating States have been requested to second 300 short-term observers to observe voting, counting and tabulation.

## III. THE POLITICAL CONTEXT

On 8 November 2007, President Mikheil Saakashvili offered to shorten his mandate and proposed an extraordinary presidential election, to be held on 5 January 2008. The announcement followed six days of demonstrations in Tbilisi, from 2–7 November, organised by a newly formed bloc of opposition political parties. The opposition parties demanded *inter alia* the resignation of the President, the rescheduling of parliamentary elections from autumn to spring 2008, and constitutional changes to transform Georgia into a parliamentary republic. On 7 November, the demonstrations were violently dispersed by the police and a state of emergency was imposed by the President, who asserted that the protests were part of an attempt to overthrow the government by force. The state of emergency was lifted on 16 November.

A political dialogue led to some concessions by the authorities on the legal framework for the conduct of elections and to the calling by the President of a plebiscite on the timing of the next parliamentary elections, to be held simultaneously with the presidential election. As required by law, Mr. Saakashvili stepped down as president on 25 November, in order to stand in the 5 January election. The Speaker of Parliament, Nino Burjanadze, became Acting President.

The last presidential election, held in January 2004, was won by Saakashvili with 96 per cent of the vote, in a largely uncontested race in which the main opposition figures did not stand. The most recent elections were the municipal elections of October 2006, in which the governing United National Movement (UNM) received the majority of votes.

## IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The Constitution of Georgia guarantees fundamental civil and political rights necessary for the conduct of democratic elections. The primary legislation regulating elections, the Unified Election Code (UEC) as adopted in 2001 and amended numerous times, is generally conducive to the conduct of democratic elections, if implemented in good faith. The most recent amendments to the UEC, significant in nature, were enacted only weeks prior to the election, some even after the beginning of the pre-election campaign. Adoption of amendments to election legislation so close to the conduct of an election is generally inconsistent with good practice in electoral matters<sup>1</sup>.

---

<sup>1</sup>

See the recommendation in section II.2.b of the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe available at [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf)

Other relevant laws include the Law on Assemblies and Manifestations, the General Administrative Code, the Administrative Offences Code, the Criminal Code, and Decrees and Ordinances of the election administration.

Article 89 of the UEC specifically addresses the conduct of extraordinary presidential elections, stipulating that in case of early termination of authority of a President, the Parliament announces elections at least 45 days before election day. The President is elected for a five-year term by absolute majority of valid votes cast. If no candidate receives an absolute majority of votes, a second round is held in two weeks between the two candidates who received the highest number of votes. The candidate with the greater number of votes is elected. The one-third turnout requirement for the second round was removed in the recent amendments to the UEC.

## **V. THE ELECTION ADMINISTRATION**

This election is administered by a three-tier election administration consisting of the Central Election Commission (CEC), 76 District Election Commissions (DECs) and 3,447 Precinct Election Commissions (PEC). Following the latest amendments to the UEC, the composition of the CEC and PECs has been changed to include members appointed by the political parties funded from the state budget. Based on the results of the 2004 parliamentary elections, seven political parties qualify for representation at CEC and PECs level: the United National Movement, New Rights, Industrialists, Labour, Freedom, Republican and Conservative parties.

The CEC is now composed of its chairperson and 12 members, all of whom are appointed for a five-year term. The chairperson and five members are nominated by the President and elected by the Parliament, while seven members are appointed by political parties. DEC composition has not changed and remains without party representation. DECs consist of five members selected in an open competition and appointed by the CEC for a five-year term. The PEC composition mirrors that of the CEC, with six members appointed by DECs, and seven by parties represented in the CEC.

For the upcoming presidential election, the CEC created 3,447 precincts with a maximum of 1,500 voters. PECs held their first meetings on 7 December. The CEC members nominated by opposition parties have claimed that opposition parties are not represented in the decision-making posts in some 3,000 PECs, and that some of their members were not notified about the time of the first PEC meeting. The CEC Chairman, for his part, expressed concerns that some statements by party-appointed CEC members are unfounded and political in nature, which is not in line with their role as election administrators.

The CEC has been active in making preparations for the election. Trainers who will train DEC and PEC members have been trained, and a voter information campaign has been launched. The CEC holds frequent meetings, to which representatives of political parties, media and observers are invited. The official CEC website is informative and updated regularly.

## **VI. VOTER REGISTRATION**

The CEC is responsible for the maintenance of the centralized voter register. After conducting a country-wide door-to-door voter list verification in October–November 2007, the CEC published, within the legal deadline, the total number of voters included in the general voter lists, which is 3,372,836. Representatives of opposition parties have expressed doubts regarding this

figure and the overall accuracy of the general voter list. Voters will have the opportunity to check and request amendments to the voter lists through the Internet, a hotline established by the CEC, or in person at DEC and PECs. The CEC proposed to prolong the deadline for checking the general vote lists from 13 to 16 December, but the relevant draft decision did not receive a majority. The opposition has also highlighted the issue of voting abroad, claiming that initial figures of Georgian citizens registered with Georgian consulates are unrealistically low and raising concerns about the transparency of the process in diplomatic missions of Georgia.

Election-day registration of voters erroneously omitted from the general voter list was introduced by the latest amendments and will be possible upon presentation of an ID and a document proving a voter's residency on a precinct's territory. Those voters are required to put an envelope with their ballot papers in an additional envelope that is different in size and colour from the one used by regular voters, and their votes will be processed under special procedures. The introduction of election-day registration has raised concerns among some election stakeholders. Specifically, opposition parties have claimed that old-style ID cards with separate residence registration slips may be used for multiple voting since, reportedly, the registration slips are easy to falsify. Cases of collecting, copying or recording of data from IDs of voters across the country were brought to the attention of the OSCE/ODIHR EOM. The Mission is following up on the allegation.

## VII. CANDIDATE REGISTRATION

On 26 November, the CEC presented the list of the 22 prospective presidential candidates who submitted applications for registration. The CEC allowed 19 of them to the next stage of the registration process, i.e. collection of 50,000 support signatures. Thirteen parties and initiative groups submitted signature lists to the CEC within the legal deadline. Seven candidates were ultimately registered. Four candidates who were denied registration because of insufficient numbers of supporting signatures challenged the relevant CEC decisions in court (see Complaints and Appeals).

Apart from Mikheil Saakashvili of the UNM, six other presidential candidates include Levan Gachechiladze, representing the United Public Movement, a bloc of nine opposition parties that came together in September; Davit Gamkrelidze (New Rights Party); Shalva Natelashvili (Labour Party of Georgia); Gia Maisashvili (Party of the Future); Irina Sarishvili (Hope Party); and Arkadi Patarkatsishvili, an independent candidate who was accused by the authorities of attempting to overthrow the government by force. He left the country following the November demonstrations and was expected to return after his official registration as a candidate. On 11 December, the CEC determined the order of candidates on the ballot paper.

## VIII. THE CAMPAIGN ENVIRONMENT

The election campaign is being conducted in a highly polarized political environment. Opposition candidates express deep mistrust in the election administration and lack confidence in the fairness of the electoral process. They allege that they are unable to compete equally with the incumbent. Allegations include that they are sometimes denied equal access to state-owned premises for campaign events, unfair advantages in access to the media, as well as that public officials have campaigned in favour of the incumbent President, in contravention of the election law. They also contend that Mr. Saakashvili has unfair access to state resources such as

government vehicles and extensive security he enjoyed as president<sup>2</sup>, There are also widespread allegations of pressure, particularly on state employees, to vote for Mr. Saakashvili. The OSCE/ODIHR EOM is looking into these allegations that are denied by the authorities.

Mr. Saakashvili's campaign has focused on series of social welfare pledges, including the provision to poor and disadvantaged citizens of vouchers for such things as heating wood, electricity, gas and medical care. Objecting that many of these pledges were neither in the 2007 state budget, nor in the draft 2008 budget, opposition candidates see many of the promises as a misuse of budgetary resources for campaign purposes. Government officials deny this, asserting that the promises refer to expenditures planned before the election date was set.

The declarations by the opposition of mistrust in the electoral process have led to suggestions by the authorities that the opposition's principal focus is not on campaigning to win the election, but rather on preparing the ground for post-election demonstrations against an election that they have decided in advance to declare to have been rigged.

## IX. THE MEDIA

Georgia has a diverse media environment, including public and private broadcasters and numerous press outlets across the country. The generally free media environment has been affected by the recent state of emergency, during which broadcast media faced restrictions in their news and information reporting. Imedi TV, one of the most popular TV channels that is considered to be pro-opposition, was only able to resume broadcasting on 12 December – more than a month after the police raid of its premises on 7 November.

The channel stayed off air following the suspension of its license by the Georgian National Communications Commission (GNCC), the key regulatory body for the broadcast media, for three months, and the decision by the Tbilisi City Court to freeze the outlet's assets. These actions were taken in response to a statement broadcast by Imedi TV, which was allegedly calling for the violent overthrow of the government – a charge that the broadcaster's management denied. Furthermore, similar statements apparently broadcast by other channels did not have the same legal consequences. According to Imedi TV, no official order authorizing the police raid was presented.

Following criticism from opposition parties and the international community, the Government on 3 December asked the Prosecutor General to appeal to the Tbilisi City Court to unfreeze Imedi TV's assets. On 4 December, the GNCC revoked its decision on the license suspension and two days later, the court ruled to unfreeze Imedi TV's assets. Even though the legal obstacles were removed, Imedi TV was only able to resume its broadcasting several days later, due to the considerable damage to its equipment allegedly caused during the police raid. It is of concern that broadcasts of an important alternative source of information were temporally suspended in the run-up to the election. A self-regulatory media council consisting of seven well-known local journalists and other experts was set up to monitor media coverage of the election. The council is chaired by a prominent Polish journalist Adam Michnik, who mediated the Imedi TV case on behalf of the EU.

The Election Code contains provisions governing media conduct during an election campaign, *inter alia* providing for the allocation of free and paid airtime to election contestants in both

---

<sup>2</sup> Under Law on the State Special Guard Service, former presidents are entitled to personal security paid from the state budget.

electronic and print media. The law distinguishes between “qualified” and “unqualified” subjects, stipulating that requirements pertaining to the creation of equal conditions in debates and free airtime refer to “qualified” subjects. “Qualified” subjects are candidates of political parties that are represented by a faction in the Parliament or received at least four per cent of the proportional vote in the last election, whereas “unqualified” subjects must demonstrate public support for their candidacies through opinion poll results in order to enjoy free airtime/space. According to the law, the Georgian Public Broadcaster (GPB) decided to organize televised debates twice a week (from 7 to 30 December) – on Sundays for “qualified” and on Fridays for “unqualified” subjects. In addition, candidates can receive airtime on GPB, as well as on other TV channels, for free-of-charge presentations – GPB informed the OSCE/ODIHR EOM that so far, only one such request from a candidate was received.

Since 7 December, the OSCE/ODIHR EOM has been conducting quantitative and qualitative monitoring of five TV stations<sup>3</sup> and six daily and weekly newspapers<sup>4</sup>. Further information on OSCE/ODIHR media monitoring will be forthcoming in subsequent OSCE/ODIHR reporting.

## X. COMPLAINTS AND APPEALS

Article 77 of the UEC regulates the procedures for adjudication of election disputes. It provides for complaints and appeals against election commission decisions, or breaches of the election law, to either relevant/higher level election commissions or courts. This article is, however, particularly complex and inconsistent and does not fully incorporate minimum legal safeguards, such as the right to open and transparent hearings and proceedings and to a written decision outlining the facts and law on which it is based.

Despite numerous reports from political parties and NGOs regarding alleged violations of the law, the CEC received only one official complaint and six ‘statements.’ The complaint, submitted by the Freedom Political Movement, alleged that the Mayor of Tbilisi, the Minister of Refugees and Resettlement and the Minister of Education, as public servants, illegally campaigned on behalf of Mr. Saakashvili. The CEC responded by a letter stating that these individuals are not public servants according to the UEC and the Law on Public Service<sup>5</sup>. The Georgian Young Lawyers Association (GYLA) earlier submitted a statement with the same allegations, and the CEC responded by stating that these individuals had not ‘agitated’ according to the UEC definition, because they had not openly expressed support for Mr. Saakashvili. GYLA submitted this case to the Tbilisi City Court and it is pending hearing.

Two statements submitted to the CEC by the Labour Party and the Georgian Society for Survival of Georgian Mentality and Originality alleged that the UNM candidate has taken advantage of his position as former President in the course of his campaign by illegally using administrative resources. The CEC responded by letters stating that the UEC provision on prohibition of use of administrative resources only applies to candidates who are in public official positions and since the candidate in question is not a public official (since he stepped down from the Presidency) no violation was committed<sup>6</sup>.

---

<sup>3</sup> 1<sup>st</sup> Channel (Georgian Public Broadcaster), Imedi TV, Rustavi 2, Mze TV and Kaukazia TV.

<sup>4</sup> Rezonansi, 24 hours, Alia, Asaval Dasavali, Kviris Palatra, Akhali Taoba and Georgian Times.

<sup>5</sup> However, according to Articles 1-8 of the Law on Public Service, the term ‘public servants’ includes all types of officials - political and other - working in the public service.

<sup>6</sup> Article 76(1) of the UEC, however, forbids use of material and technical resources of organizations funded from the State budget for the election campaign. The provision is not restricted only to candidates who are public officials.

The Public Defender (Ombudsman), mandated with overseeing the human rights situation in Georgia, has been receiving complaints on election-related violations, and indicated to the EOM that during this election period citizens are afraid to file official complaints. Reports from the Public Defender that political activists and their relatives are being investigated and prosecuted during the campaign period for their participation in the November demonstrations raise concerns that these actions might be used as intimidation tactics. Additionally, the OSCE/ODIHR EOM received information from the Ministry of Interior that opposition activists are reporting cases of political intimidation, pressure and violence, including by public officials and police officers. In this respect, the CEC received one statement from the New Rights Party alleging such mistreatment of its activists and supporters, and forwarded the information to the Ministry of Interior.

Four CEC decisions were appealed to the Tbilisi City Court, all regarding denial of candidate registration due to insufficient numbers of support signatures. Three cases were dismissed by the court and one is still pending.

No election-related complaints have been submitted to the Constitutional Court to date.

## **XI. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES**

There are neither legal barriers to the participation of women in elections, nor legal provisions designed to discriminate positively in favour of women. While there are some prominent women in politics, in general women are under-represented in political life and in the upper-levels of election administration. Of the seven registered candidates in this election, one, Irina Sarishvili, is a woman. Of the 13 members of the CEC, one is a woman. Prominent women in politics include the Acting President Nino Burjanadze and Salome Zurabishvili, the leader of Georgia's Way party and the nine-party opposition bloc's nominee for prime minister in the event of its candidate's victory.

According to the 2002 census<sup>7</sup>, national minorities 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 southern regions bordering Azerbaijan and Armenia. Other minority groups include Russians, Ossetians, Greeks, Chechens, Jews, Abkhazians and Kurds. National minorities enjoy full political rights under the Constitution. In regions with significant minority population, the CEC plans to provide election materials in Russian, Azeri, Armenian and Ossetian languages.

## **XII. DOMESTIC AND INTERNATIONAL OBSERVERS**

Georgian election legislation grants observers the right to observe the entire election process. As of 13 December, the CEC had registered 34 domestic, six international organizations and four embassies. The largest domestic observation effort is expected to be undertaken by the International Society for Fair Elections and Democracy (ISFED), which plans to cover about 3,000 polling stations on election day and also intends to conduct parallel vote tabulation. Other major domestic observer organizations include the Georgian Young Lawyers' Association (GYLA) and New Generation – New Initiative (NGNI).

---

<sup>7</sup>

This census did not cover the territories of South Ossetia and Abkhazia.

### **XIII. OSCE/ODIHR EOM ACTIVITIES**

The OSCE/ODIHR EOM opened its office in Tbilisi on 6 December 2007. The Head of Mission has met the Acting President, the Prime Minister, the Minister of Foreign Affairs, the Chairperson of the CEC, the Prosecutor General, the Public Defender and other officials, the European Special Representative for the Southern Caucasus, and ambassadors of OSCE participating States. The OSCE/ODIHR EOM has established regular contacts with the CEC, the diplomatic community, and the main political parties. The OSCE/ODIHR EOM has conducted initial meetings with most registered candidates, civil society, election administration bodies, media, and other interlocutors. A first briefing for representatives of the diplomatic community and international organizations accredited in Georgia was held on 13 December.