

PRE-ELECTION ENVIRONMENT IN THE REGIONS OF GEORGIA

Adjara, Imereti and Samtskhe-Javakheti



2020



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INTRODUCTION

This report reflects the main trends observed in the pre-election period of the October 31, 2020 Parliamentary Elections in the following regions of Georgia: Imereti, Adjara and Samtskhe-Javakheti. The report covers the period **from May 15 to September 1, 2020**. This is not an official pre-election period. Therefore, the prohibitions provided for by the Election Code of Georgia in terms of use of administrative resources for electoral purposes, pre-election campaign and illegal campaigning did not apply during this period, as these prohibitions address only the period of 60 days before the polling day. However, it should be noted that though certain actions taken by the central and local authorities may not constitute a violation under the narrow definition of prohibited actions as provided for by the Election Code of Georgia, they still may contradict the international standards. The current Report reviews and analyzes similar cases in the light of the recommendations of international intergovernmental and non-governmental organizations. The Report further discusses the cases that allegedly violate Georgian law. The Report also outlines the social and public issues that dominated the pre-election period in the Adjara, Imereti and Samtskhe-Javakheti regions, including socio-economic problems, protests, staff changes in public bodies, and controversies between the representatives of political parties.

ADJARA REGION

Signs of the Use of Financial Administrative Resources for Electoral purposes

In connection with the crisis caused by the new coronavirus pandemic, at the end of March, the local government purchased products in the amount of GEL 367,332 from the Reserve Fund of the 2020 Budget of the Autonomous Republic of Adjara, managed by the Chairperson of the Government of Adjara, to be handed over to socially vulnerable groups registered on the territory of Adjara¹. In April 2020, in connection with the pandemic, changes were made to the 2020 Budget of Adjara, *inter alia*, reducing funding for the Ministry of Finance and Economy of Adjara and the Ministry of Education, Culture and Sports of Adjara. The amount of the Reserve Fund has increased by GEL 3.8 million and amounted to GEL 6.8 million². Assistance to citizens with food items continued from the Reserve Fund which was increased by the special budget³.

The objective for allocating funds from the Reserve Fund of 2020 Budget of the Autonomous Republic of Adjara to purchase products for the socially vulnerable groups was to assist

¹ <https://batumelebi.netgazeti.ge/news/273058/>

² <https://batumelebi.netgazeti.ge/news/273064/>

³ <https://batumelebi.netgazeti.ge/news/273058/>



specific socially vulnerable target groups in dealing with household problems on the background of the pandemic⁴. Therefore, allocating funds for the mentioned social allowances in a given period of time is not problematic. However, it is problematic that the process of handing over food items to the population directly involved majoritarian MPs from the ruling party, whose mandate do not include such activities. In particular, the following persons were directly involved in the process of distributing food items to the population: Kobuleti majoritarian MP, Koba Nakaidze, Batumi majoritarian MP, Pati Khalvashi and Khulo, Keda and Shuakhevi majoritarian MP, Anzor Bolkvadze. On the official Facebook pages of the mentioned MPs⁵⁻⁶⁻⁷, the information on the distribution of food items to the population was published. The photos presented in the public posts show their involvement in this process and indicate the implementation of social aid by the initiative of the Government of Adjara.

The purchase of food items was carried out in accordance with the law, within the amount allocated from the Reserve Fund of the Autonomous Republic of Adjara. This action was ordered by the Chairperson of the Government of Adjara on the basis of the authority granted by the law. The transfer of food items to the population was the duty of the representatives of the executive government bodies of Adjara. Shortly before the elections, the organized involvement of the ruling party's majoritarian MPs in the process of distributing social aid – food items - to the population, who are not authorized to perform such activities by law, provides some grounds for a reasonable suspicion that such activities serve the purpose of appeasing the voters and gaining their support for the upcoming Parliamentary Elections. Although such electoral purposes could not be observed at the moment of allocation of financial resources from the Reserve Fund of the Government of the Autonomous Republic of Adjara, it was found later in the process of directing this monetary resource, in particular, transferring the aid purchased by the Adjara budget to the population through the majoritarian MPs of the ruling party. There is no precise definition in the international or Georgian law as to what constitutes the use of financial administrative resources for electoral purposes. In accordance with the definition developed by *Transparency International* based on the general principles of various international instruments, the use of financial administrative resources for electoral purposes would be “*use of budgetary resources of the central or local government agencies to facilitate election campaign of certain political party or candidate*”⁸.

⁴ <http://adjara.gov.ge/description.aspx?gtid=911591#.X29qgZNKi1g>

⁵ <https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FGDKoBaNakaidze%2Fposts%2F1597306303750682&width=500>

⁶ <https://www.facebook.com/GDAnzorBolkvadze/posts/2607275686066801>

⁷ <https://www.facebook.com/GDPatiKhalvashi/posts/1942989646000651>

⁸p. 8, MISUSE OF ADMINISTRATIVE RESOURCES DURING 2018 PRESIDENTIAL ELECTIONS IN GEORGIA, Transparency International Georgia:

<https://www.transparency.ge/en/post/misuse-administrative-resources-during-2018-presidential-elections-georgia-interim-report>



Involvement of the ruling party's majoritarian MPs in the process of distributing social assistance to the population shortly before the Parliamentary Elections carries the signs of the use of financial administrative resources for the electoral purposes, as provided for by this definition.

According to the 1990 OSCE Copenhagen Document, which sets out the OSCE basic principles for democratic elections, the rule of law and the protection of fundamental human rights and freedoms, there must be a clear boundaries between the State and the ruling party⁹.

The distribution of the social aid to the population belongs to the powers of the executive authorities. The organized involvement of the ruling party's majoritarian MPs in this process, whose mandate do not cover such activities, allegedly intended to present social aid to the targeted population as an assistance coming from the ruling party in order to appease voters in the upcoming elections. The aid provided by the State was delivered to the population in a way as if it was coming from the ruling party. Consequently, there was an attempt to equate the State with the ruling party.

In accordance with article 25² of the Organic Law of Georgia on Political Associations of Citizens, the party shall be prohibited from directly or indirectly transferring material goods to the citizens of Georgia. The above cases contain signs of this action prohibited by the law.

Developments around Piruz Tsulukidze

In July 2020, Piruz Tsulukidze, the World Champion in wrestling, made a statement that he and other athletes were approached by Davit Rizhivadze, the father of the Chairperson of the Government of Adjara, Tornike Rizhivadze, and by the Chief of Batumi Police Department, Kote Ananiashvili, asking the athletes for a support in pre-election campaigning¹⁰. Earlier, in June 2020, Piruz Tsulukidze's brother, Rezo Tsulukidze and Eldar Natadze were arrested on charges of hooliganism, followed by protest demonstrations in Batumi¹¹. According to Piruz Tsulukidze, the arrest of his brother and Eldar Natadze was an act of retaliation against them for refusing to provide pre-election assistance to the father of Chairperson of the Government of Adjara and to the Chief of Batumi Police Department¹².

According to Piruz Tsulukidze, Davit Rizhivadze and the Chief of Batumi Police Department, Kote Ananiashvili, met him, his brother and another athlete at the Main Police Department of

⁹ paragraph 5.4;

<https://www.osce.org/files/f/documents/9/c/14304.pdf>

¹⁰ <https://www.facebook.com/DroebaOfficial/videos/599053910732228/>

¹¹ <https://ajaratv.ge/article/59095>

¹² <https://batumelebi.netgazeti.ge/news/286875/>



Adjara in March 2020. According to Piruz Tsulukidze, the meetings concerned the elections and the possible assistance during the elections to the government from the athletes. In exchange for assisting in the elections, Piruz Tsulukidze mentions various offers from the father of the Chairperson of the Government of Adjara and the Chief of Batumi Police Department, including the transfer of a plot of land for GEL 1¹³.

The information that was publicly voiced by Piruz Tsulukidze contains signs of indirect voter bribery. After the details of the alleged meeting with the father of the Chairperson of the Government of Adjara and the Chief of Batumi Police Department were disclosed, Piruz Tsulukidze was summoned for questioning by the investigative bodies. However, as Tsulukidze stated, he did not trust the investigation and did not go to the investigative body for questioning¹⁴.

IMERETI REGION

Signs of Initiatives Motivated by Pre-Election Campaigning

Shortly before the 2020 Parliamentary Elections, in the summer months, large-scale work on arranging public gardens was carried out with the funds from the budget of Kutaisi Municipality, which contains signs of a pre-election motivated initiative.

In January 2020, Kutaisi Municipality announced a public tender for the arrangement of 8 public gardens. The cost of arranging 8 public gardens, in total, exceeds GEL 1 million¹⁵. The construction of the public gardens in Kutaisi started shortly before the elections, in May 2020, and was intensively going on during the summer months, before the start of the official pre-election period. In some of the instances, the works were over and the public gardens were opened with participation of the representatives of local governments and with participation of majoritarian members of Kutaisi Municipal City Council (Sakrebulo) from *Georgian Dream*. In July 2020, a new public garden was opened in Kutaisi, in the settlement of the automobile factory. The local budget spent GEL 277,700 on the construction of the mentioned public garden¹⁶. Representatives of the Mayor's Office of Kutaisi Municipality and a majoritarian member of City Council from ruling party, *Georgian Dream* attended the ceremony of opening the public garden¹⁷. In August 2020, a new public garden was opened on Nicaea Street in

¹³ <https://www.facebook.com/DroebaOfficial/videos/599053910732228/>

¹⁴ <https://formulanews.ge/News/32644>

¹⁵ <http://kutaisi.gov.ge/ge/kutaisshi-mimdinare-cels-10-skveri-moecqoba>

¹⁶ <http://kutaisi.gov.ge/ge/kutaisshi-avtokarxnis-dasaxlebash-axali-skveri-gaixsna>

¹⁷ <http://firstnews.ge/index.php/2018-07-19-18-59-49/2018-07-19-19-15-51/regionebi/item/7469-2020-07-16-09-56->



Kutaisi, for the construction of which GEL 134,496 was spent¹⁸. The opening ceremony of the public garden was also attended by a majoritarian member to Sakrebulo from *Georgian Dream*¹⁹. Within the public tender, the rehabilitation of the public garden near N8 dead end of Rustaveli Avenue was also underway, the cost of which was GEL 117,804²⁰. Within the public tender, the arrangement of a public garden near N52 Chavchavadze Avenue was also carried out, the cost of which is GEL 84,976²¹. With the public tender, the rehabilitation works of the public garden on Kostava Street were also carried out²².

The construction of public gardens was carried out from the budget of Kutaisi local municipality in accordance with the law. However, the participation of majoritarian members of Kutaisi City Council (Sakrebulo) from the ruling party in the opening ceremonies of the public gardens along with the representatives of the City Hall is problematic. Opening the public gardens comes under the authorities of the executive bodies of local municipalities, in this case, under the authority of Kutaisi City Hall and not that of City Council, which is the representative body of the municipality. The participation of the majoritarian members of the City Council from the ruling party, in this process, together with the representatives of the City Hall, may be connected with appeasing the voters and with gaining their support in favor of the ruling party in the upcoming elections. Also, in this case, there is an attempt to associate the projects implemented by the state budget with the ruling party and therefore equate state with the ruling party. This action bears the signs of an initiative motivated by pre-election campaigning.

Staff Changes in Kutaisi City Hall

During the reporting period, there were staff changes in Kutaisi City Hall. The process was quite vague. The official reason for dismissing the employees was their personal requests. In June 2020, the Head of the Office for Health, Social Affairs and Internally Displaced Persons within Kutaisi City Hall resigned²³. He reportedly resigned on the basis of his own formal request²⁴. The offices were also abandoned by the heads of the administrative and audit

[08?fbclid=IwAR1PVATmlZb7edAOyXwkj4uksyCq6VSl6RiZYp8yNZnF9jzPDgEh45fNICo#.XxAkqfmirA4.facebook](https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2Fpermalink.php%3Fstory_fbid%3D3309759999103188%26id%3D311713165574568&width=500)

¹⁸https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2Fpermalink.php%3Fstory_fbid%3D3309759999103188%26id%3D311713165574568&width=500

¹⁹ Ibid:

²⁰ <http://kutaisi.gov.ge/ge/kutaisshi-avtokarxnis-dasaxlebash-axali-skveri-gaixsna>

²¹ <http://kutaisi.gov.ge/ge/kutaisshi-avtokarxnis-dasaxlebash-axali-skveri-gaixsna>

²²<https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2Fmedia%2Fset%2F%3Fset%3Da.3134762449936278%26type%3D3&width=500>

²³ <https://www.kutaisipost.ge/ka/akhali-ambebi/article/17730-morigi-sakadro-cvlileba-quthaisis-meriashi?fbclid=IwAR1r0liYJmRiATTlk2nxIORTeyLoSRon4kOmmvIO4CMRC1j-Nu0JbHrnHo8>

²⁴ Ibid:



offices. Further, the Chairperson of Kutaisi Sakrebulo, Nikoloz Lataria also ended his term. He reportedly resigned following his own formal request²⁵. In July 2020, the Deputy Mayor of Kutaisi also resigned on the basis of his own formal request²⁶.

PROTEST RALLIES IN IMERETI AND ADJARA REGIONS

During the reporting period, there were active protest rallies in Imereti and Adjara regions. Demonstrations in Imereti region related to infrastructural and acute social issues and other problems of roads, bridges²⁷, drinking water and transportation²⁸, also, the construction of *Namakhvani* hydro power plant on the river Rioni, which, according to environmentalists, poses an ecological threat to Kutaisi and surrounding municipalities²⁹. The protests held in the Adjara region concerned various socio-economic problems, including those caused by the pandemic, as well as other problems in the region. During the reporting period, the rallies in the Adjara region included the following issues: a protest of persons with jobs in Turkey demanding opening of the border with Turkey and compensations³⁰, a rally of traders demanding the return of the old trading place³¹, protest demonstrations of the employees of Adjara Public Broadcaster over a dismissal of three persons from the broadcaster³², protest demonstrations demanding freedom to athletes, Eldar Antadze and Rezo Tsulukidze detained for hooliganism³³.

SAMTSKHE-JAVAKHETI

During the reporting period, the pre-election environment in Samtskhe-Javakheti region was characterized with a tension due to the controversy between the current and former majoritarian MPs from Akhalkalaki-Ninotsminda: Endzel Mkoyan and Samvel Petrosyan respectively. Endzel Mkoyan is a majoritarian MP from the ruling party of *Georgian Dream*.

²⁵ Ibid:

²⁶ <https://reginfo.ge/politics/item/18557-qutaisis-meris-moadgilem-tanamdeboba-datova>

²⁷ <http://newpress.ge/ar-gvaqvs-gza-skola-wyali-dazianebulia-xidebi-da-ar-aris-sazovrebi---sofel-marlakis-mosaxleobam-aqcia-gamarta?fbclid=IwAR1TgbOmLcdho1iIeyp22VAwn-jUxRDoWgzIUMs1USpTZ1ulo68HLpDi8Sw>

²⁸ <https://www.youtube.com/watch?v=xpUh8vhu5V8>

²⁹ http://firstnews.ge/index.php/2018-07-19-18-59-49/2018-07-19-19-15-51/sazogadoeba/item/6997-2020-06-23-08-40-06?fbclid=IwAR3eVz1OHluMAQWoGDq-2g6HRSz3grBQr0x2GalMn5fz4bjvru_T0vkvo4#.XvHKfc-OfF0.facebook

³⁰ <https://www.youtube.com/watch?v=nyrwgdcnrNU>

³¹ <https://batumelebi.netgazeti.ge/news/282512/>

³² <https://batumelebi.netgazeti.ge/news/292777/>

³³ <https://mtavari.tv/news/5834-ar-chatskhreba-es-mukhti-batumshi-dakavebuli>



Samvel Petrosyan is a former MP from the opposition party of *National Movement*³⁴. At the moment he is a member to *Patriots Alliance*.

On March 26, 2020, media outlets provided news that there were shootings near the house of Akhalkalaki-Ninotsminda incumbent majoritarian MP, Endzel Mkoyan³⁵. With regard to the above incident, the law enforcers detained Endzel Mkoyan's nephew, Armen Mkoyan and Samvel Petrosyan, who were charged with hooliganism³⁶. On March 31, Akhaltsikhe District Court remanded both defendants in custody by a measure of restraint³⁷. Samvel Petrosyan and Armen Mkoyan were released from pre-trial detention on bail in June after paying GEL 20,000 each³⁸.

In July 2020, a photo was posted on the social network depicting the incident in Akhalkalaki from March 26, 2020. The photo shows the moment when majoritarian MP Endzel Mkoyan aims gun at civilians³⁹. Endzel Mkoyan posted a statement on the social network Facebook confirming that he also had shot in the air during the incident. The statement also mentions that the shots were fired in self-defense⁴⁰. Another photo shows the police attempting to stop Endzel Mkoyan holding a firearm⁴¹. The mentioned photos identify the signs of an offense of hooliganism committed by Endzel Mkoyan punishable under the Criminal Code of Georgia.

Under the Constitution of Georgia, a member of Parliament enjoys immunity, meaning that the investigative bodies need the consent of the Parliament in order to arrest, detain and search any MP⁴². However, the Constitution does not exclude the criminal liability of an MP provided that there are appropriate grounds for such prosecution. The investigative bodies questioned Endzel Mkoyan as a witness in connection with the above-mentioned incident⁴³. No criminal case was opened against him, despite the possibility for such grounds to exist.

In the pre-election period, the issue of dubious tender awards in Akhaltsikhe municipality became a subject of interest. In October 2019, the Anti-Corruption Agency of the State Security Service launched an investigation into the tenders awarded to the companies affiliated with the Mayor of Akhaltsikhe under the article of *Abuse of Official Authority* provided for by the

³⁴ <http://sknews.ge/index.php?newsid=26583>

³⁵ <http://sknews.ge/index.php?newsid=26583>

³⁶ <http://sknews.ge/index.php?newsid=26702>

³⁷ <http://sknews.ge/index.php?newsid=26702>

³⁸ <https://reginfo.ge/people/item/18618-%E2%80%99Eoznebis%E2%80%99C-deputati-mkoiani-petrosians-misdevs-da-isvris-martis-inzidentis-video>

³⁹ <http://sknews.ge/index.php?newsid=28568>

⁴⁰ <https://netgazeti.ge/news/439525/>

⁴¹ <http://sknews.ge/index.php?newsid=28568>

⁴² <https://transparency.ge/ge/blog/sheudzlia-tu-ara-prokuraturas-parlamentaris-dakitkhva>

⁴³ <https://netgazeti.ge/news/439525/>



Criminal Code of Georgia⁴⁴. The investigation was launched after the non-governmental organization *Transparency International Georgia* published a research revealing some of the companies connected to Akhaltsikhe Mayor, Zaza Melikidze, winning tenders after Melikidze became a *Gamgebeli* (local chief administrator) and a Mayor⁴⁵. Tamar Gogoladze, a member of Akhaltsikhe *Sakrebulo* (city council), the chairperson of the faction *Georgian Dream-Greens* also mentioned in 2019 the issues of dubious tender awards and demanded an audit of the City Hall⁴⁶. On July 1, 2020, the State Audit Office began a scheduled audit of Akhaltsikhe City Hall⁴⁷.

RECOMMENDATIONS

- Majoritarian MPs should refrain from participating in activities related to the programs and projects funded by the State or local government budgets.
- The ruling party must not use the financial administrative resources, programs and projects funded by the State and local government budgets for electoral purposes;
- Large-scale infrastructure projects should not be implemented by the State authorities and local governments shortly before the elections;
- State-funded social aid should not be provided to the population in such a way as to create the impression that such aid comes from the ruling party;
- Political parties shall not violate Article 25² of the *Organic Law of Georgia on Political Associations of Citizens* according to which the party is prohibited from directly or indirectly transferring material goods to the citizens of Georgia.

⁴⁴

http://sknews.ge/index.php?newsid=24641&fbclid=IwAR0vwjJzexszY1q2Czx3cDaiaN_a12BCRtcnQ7Lgp7aKil5TJrMMvXNOXj4

⁴⁵http://sknews.ge/index.php?newsid=24641&fbclid=IwAR0vwjJzexszY1q2Czx3cDaiaN_a12BCRtcnQ7Lgp7aKil5TJrMMvXNOXj4

⁴⁶<http://sknews.ge/index.php?newsid=28327>

⁴⁷<http://sknews.ge/index.php?newsid=28327>