



**ODIHR ELECTION OBSERVATION MISSION IN GEORGIA  
PARLIAMENTARY ELECTIONS (SECOND ROUND)  
14 NOVEMBER 1999**

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**PRELIMINARY STATEMENT ON THE SECOND ROUND**

**Tbilisi, 15 November 1999** – The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission for the 1999 parliamentary elections in Georgia issues this statement of its preliminary findings after the second round of voting held on 14 November 1999. The statement is issued before the tabulation of results of the second round is completed. The OSCE/ODIHR will issue a comprehensive final report on the parliamentary election within a month after the completion of the election process.

Second round elections were conducted in 20 districts where no candidates were elected at the first round. Additionally, polling took place in a number of precincts from 5 districts where the Central Election Commission (CEC) cancelled the 31 October majority vote, due to serious irregularities.

**SUMMARY OF CONCLUSIONS**

**The OSCE/ODIHR Election Observation Mission considered the first round of the parliamentary election to be a step towards compliance with OSCE commitments. The elections during the second round were well conducted in some districts and precincts but were marred with irregularities in others. The Election Observation Mission is particularly concerned about a number of serious violations of OSCE commitments, including intimidation of members of Precinct Election Commissions (PECs) and ballot stuffing in Tbilisi, Abasha, and Chkhorotsku.**

**The tabulation of the results of the first round suffered from deficiencies of the election law, which failed to provide for sufficient transparency, thus further undermining confidence in the process. Only 13 out of 19 members of the CEC signed the final results as announced by the CEC, an indication of lack of confidence in the process by some CEC members.**

**The CEC handled poorly electoral complaints and declined to even consider some of them. Confusion surrounded the deadlines and rules regarding the correct forum for a complaint to be filed. The Supreme Court has begun to process complaints in relation to CEC decisions and has in one important case overruled the CEC decision.**

**In Martvili District and in a number of polling stations in other districts the vote count and in some cases polling did not take place because of irregularities, confusion and violence. Also the counting procedures in Tbilisi, in Districts No 1, 5 and 9 as well as violence in District No 9 raised serious concerns.**

**Nonetheless a significant number of PEC members performed professionally during these elections.**

## **PRELIMINARY FINDINGS**

### **Tabulation and announcement of the results from the first round**

The tabulation of the results from the first round of voting was conducted rigidly in accordance with the legal provisions. However, the deficiencies of the law undermined the confidence in the process.

The Election Observation Mission received complaints from political parties for denial of access to CEC documentation. As such the political parties could not verify the outcome of the elections before the CEC issued its final results signed only by 13 out of 19 CEC members. The document announcing the results was not a formal CEC resolution and according to the CEC, it could not be appealed to the Supreme Court. This did not contribute to the transparency of the process and cast a shadow on the final stage of the tabulation of the results. Moreover, the CEC document was lacking substantial information to support the official outcome of the election. Despite the CEC view, one party filed an appeal with the Supreme Court to cancel the results announced by the CEC. The hearing on this case is expected to take place on 15 November 1999.

A member of the CEC was formally accused of an attempt to tamper with the computer equipment used to tabulate the results. Nonetheless, he remains a member of the CEC and has signed the CEC document on the results of the first round of voting.

### **The political campaign between the two rounds**

The political campaign between the two rounds of voting was quiet. However, reports for isolated cases of violence persisted. Limited monitoring revealed that the electronic media provided diverse political information but continued to favor the party in office, confirming the pattern identified before the first round.

### **The administrative preparation**

The administrative preparations for the second round started late and were hampered by lack of clarity on the necessary procedures, particularly in the district of Martvili. A resolution of the Supreme Court to cancel the CEC decision on the first round of the vote in this district, issued on the evening of 12 November, further complicated the preparations for the second vote. Due to disruption in the office of the Martvili DEC between the two rounds, the vote was finally postponed in the district. A hunger strike was initiated in the district of Abasha by party members requesting the replacement of one of the candidates with another due to alleged violations in the vote count for the first round in one precinct. In Tbilisi district No 10, Gldani, where theft of a substantial number of ballot papers occurred before the first round of the election, the CEC did not recognize the winning candidate and called for a second round.

The CEC decided not to use holograms as ballot security measure for the second round of the election. However, no formal decision was issued whether new ballots would have to be printed or ballots from the first round would have to be used again.

### **The appeal process**

The Election Observation Mission noted that electoral complaints and appeals were filed by political parties and candidates after the first round. However, a substantial number of complaints and appeals were not considered because they had been lodged at the wrong venue and after deadlines had lapsed. As a result, a number of candidates and parties were denied the opportunity to have their complaints adjudicated. The CEC refused to entertain a large number of complaints, due to technical deficiencies of complaints.

The CEC informed the Election Observation Mission that the document announcing the final outcome of the tabulation of votes for the proportional election, including the determination of the parties that overcame the 7% threshold, was not subject to appeals. This loophole in the election law raises serious concerns.

### **The second round election day**

On election day a number of observers reported additional police presence in various districts of the country. Special police permissions were required by the police to enter villages where reruns of particular precincts were conducted. The polls were generally conducted according to the law. However, significant number of unauthorized persons were observed inside the polling stations and DEC's and observers reported cases of intimidation. In particular, violations were observed in Tbilisi, Abasha and Chkhorotsku.

According to observer reports, the vote count outside Tbilisi was conducted in a generally acceptable manner. However, in a number of precincts in Tbilisi, the counting procedures failed to meet international standards. Violence in Tbilisi District No 9, Nadzaladevi, allegedly provoked by supporters of the losing candidate who disrupted the work of a number of precincts shortly before the end of the voting, marred the election process in the district. As a result, from a total of 44 precincts in District No 9, seven did not submit protocols at the DEC and the ballots from another two precincts were to be counted at a later stage either at the DEC or at the CEC. Intimidation of PEC members were reported in Tbilisi districts No 1, 5 and 9. The Election Observation Mission was also provided with evidence of intended ballot stuffing.

The Election Observation Mission found that a significant number of PECs members during both rounds of this election performed in a satisfactory manner. The PECs worked in a polarised political environment, often in inadequate working conditions.

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In response to an invitation from the Ministry of Foreign Affairs of Georgia, the OSCE Office for Democratic Institutions and Human Rights established an Election Observation Mission in Tbilisi on 23 September 1999. Mr. Nikolai Vulchanov was appointed as Head of the ODIHR Election Observation Mission. Following the first round of the elections, the OSCE/ODIHR Election Observation Mission issued a preliminary statement on 1 November.

On 14 November the ODIHR Election Observation Mission deployed 35 observers from 12 OSCE participating States who visited approximately 150 election precincts.

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