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Observation of the extraordinary presidential elections in Georgia (5 January 2008)

Election observation report
Bureau of the Assembly
Rapporteur: Mr Mátyás EÖRSI, Hungary, Alliance of Liberals and Democrats for Europe

The extraordinary presidential elections in Georgia on 5 January 2008 were in essence consistent with most Council of Europe commitments and standards for democratic elections. These were the first genuinely competitive presidential elections in Georgia since its independence and in general enabled the Georgian people to express their political will. The shortcomings revealed during these elections form significant challenges that need to be urgently addressed. Regrettably, the problems and violations encountered, some of them serious, especially during the vote count and tabulation, taint the overall election process.

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1. Introduction

1. Following an invitation by the Chairperson of the Parliament of Georgia, the Bureau of the Assembly decided, at its meeting on 27 November 2007, to set up an ad hoc committee to observe the extraordinary presidential elections scheduled for 5 January 2008, and appointed me as the chairperson and rapporteur of the ad hoc committee.

2. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In conformity with Article 15 of the agreement,[1] the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as adviser.

3. Based on the proposals by the political groups in the Assembly, the ad hoc committee was composed as follows:

– Socialist Group (SOC)
  - Mrs Meritxell Batet, Spain
  - Mr Jaime Blanco, Spain
  - Mr Andreas Gross, Switzerland
  - Mr Kastriot Islami, Albania
  - Mr Tadeusz Iwiński, Poland
  - Mr Maximiano Martins, Portugal
  - Mrs Carina Ohlsson, Sweden
  - Mrs Gaby Vermot-Mangold, Switzerland
– Group of the European People's Party (EPP/CD)
  - Mr Andres Herkel, Estonia
  - Mrs Danuta Jazłowiecka, Poland
  - Mrs Corien Jonker, Netherlands
  - Mr Dariusz Lipiński, Poland
  - Mr Vjačeslavs Stepanenko, Latvia
  - Mr Piotr Wach, Poland
– Alliance of Liberals and Democrats for Europe (ALDE)
  - Mr Mátyás Eörsi, Hungary
  - Mr Andrea Rigoni, Italy

1. According to which, "When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser".

– European Democrat Group (EDG)
  - Mr Ruhi Acikgöz, Turkey
  - Mr Karol Karski, Poland
  - Ms Ganira Pashayeva, Azerbaijan
  - Mr David Wilshire, United Kingdom
– Group of the Unified European Left (UEL)
  - –
– Venice Commission
  - Mr Aivars Endzins, Latvia
  - Mr Gaël Martin-Micallef, Secretariat
– Secretariat of the Council of Europe
  - Mr Bas Klein, Deputy Head of Secretariat, Interparliamentary Co-operation and Election Observation
  - Mr Bogdan Torcătoriu, co-Secretary, Committee on the Environment, Agriculture and Local and Regional Affairs
  - Mrs Daniele Gastl, Assistant, Interparliamentary Co-operation and Election Observation

4. The ad hoc committee acted as part of the International Election Observation Mission (IEOM), which also included delegations of the OSCE Parliamentary Assembly (OSCE-PA), the European Parliament (EP) and the Election Observation Mission of the Organization for Co-operation and Security in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc committee met in Tbilisi from 3 to 6 January 2008 and held meetings with, *inter alia*, candidates competing in these elections, the Chairman of the Central Election Commission (CEC), the Head of the Election Observation Mission of the OSCE/ODIHR and his staff, as well as representatives of civil society and the mass media.

6. On election day, the ad hoc committee was split into 11 teams which observed the elections in and around Batumi, Gori, Kakheti, Kazreti, Rustavi, Tbilisi and Telavi.

7. In order to draw up an assessment of the electoral campaign, as well as the political climate in the run-up to the elections, the Bureau sent a pre-electoral mission to Georgia from 5 to 7 December 2007. The cross-party preelectoral delegation consisted of Mr Mátyás Eörsi (Hungary, ALDE), Chairman of the ad hoc committee and head of delegation, Mr Kastriot Islami (Albania, SOC), Mr Andres Herkel (Estonia, EPP/CD) and Ms Ganira Pashayeva (Azerbaijan, EDG). In Tbilisi, the pre-electoral delegation met with, *inter alia*, the acting President of Georgia, the acting Chairperson of the Parliament, the Chairman of the Central Election Commission, the Chairmen of the Supreme and Constitutional Courts, the Deputy Minister of the Interior, the General Prosecutor, a cross-section of candidates running in the elections, representatives of opposition and governing parties, representatives of the international community in Georgia, as well as representatives of the mass media and civil society. The statement issued by the pre-electoral delegation at the end of their visit appears in Appendix I.

8. In its statement of preliminary findings and conclusions delivered the day after the elections, when the tabulation process was yet to be completed, the IEOM unanimously concluded that the 5 January 2008 presidential election was in essence consistent with Council of Europe and OSCE commitment and standards for democratic elections, but that they revealed significant challenges that need to be urgently addressed. This election was the first genuinely competitive presidential election which enabled the Georgian people to express their political choice. The joint IEOM press release appears in Appendix II.

9. The ad hoc committee wishes to thank the Parliament of Georgia, the OSCE/ODIHR Election Observation Mission and the Special Representative of the Secretary General of the Council of Europe in Tbilisi for their co-operation and the support provided to the ad hoc committee.

2. Political and legal context

10. After several days of tense political protests in which early elections were demanded, President Saakashvili declared, on 7 November 2007, the state of emergency in Georgia, citing threats to the stability of the country. Subsequently, on 8 November 2007, the president announced that he would call for early presidential elections, on 5 January 2008, as a means to resolve the political crisis in the country. In addition, he decreed that a non-binding referendum would be held on the same day, asking the Georgian public whether they wished to have parliamentary elections in the spring of 2008, as demanded by the opposition, or in autumn 2008, as foreseen in the recently amended constitution. On 25 November 2007, President Saakashvili formally resigned, after which extraordinary presidential elections were formally called for 5 January 2008, in conformity with constitutional provisions. On 24 November 2007, the day before he resigned, President Saakashvili announced that an additional plebiscite, on NATO membership, would also be organised on 5 January 2008.

11. The political climate in Georgia is dominated by the schism between government and opposition and the resulting highly charged polarised political debate and atmosphere of mutual mistrust. This has been compounded by the effects of the events in November 2007. In addition, since independence, changes of power in Georgia have been initiated by revolutionary means rather than by elections, which has had an impact on the political strategies of both opposition and governmental forces.

12. These elections were governed by the Unified Election Code of Georgia, the constitution and relevant provisions in other laws. The Venice Commission of the Council of Europe concluded in an opinion that the Election Code of Georgia forms an adequate basis for the organisation of democratic elections, if implemented in good faith. However, as part of the dialogue initiated between the government and opposition in the wake of the calling of elections, amendments to the Election Code were adopted respectively on 22 November and on 12 December 2007. While the Venice Commission has not yet been able to give an opinion on the amendments to the electoral law, the amendments mostly seem to address previous recommendations from the international community, including the Assembly, Venice Commission and the OSCE/ODIHR. However, it should be noted that amending the election law so close to the elections in general runs counter to the Code of Good Practice in Electoral Matters of the Venice Commission.

13. The amendments to the electoral law, *inter alia*, changed the composition of the Central Election Commission (CEC) and precinct election commissions (PECs); lowered the number of signatures needed to nominate a candidate for the presidential elections; lowered the maximum number of voters per polling station; introduced the possibility for voters to be added to the voters' lists on election day; improved the provisions for allocation of free airtime and campaign finances; changed the election system for parliamentary elections and lowered the threshold to enter parliament from 7% to 5%.

14. The introduction of the possibility for voters to be added to the voters' lists in the polling stations on election day is an issue of concern. While this can be explained in the context of the current state of the voters' lists in Georgia and the redrawing of polling station boundaries as a result of the reduction of the maximum number of voters per polling station, same-day registration in the polling station can be used as an avenue for electoral fraud especially in the absence of fully adequate mechanisms to prevent multiple registration and voting. In addition, in a recent opinion, the Venice Commission of the Council of Europe stated that the registration of voters in the polling stations on election day runs counter to Council of Europe standards.

15. The Election Code stipulates that the votes of persons that are added to the voters' list on election day are cast using special envelopes. If more than 15 persons are added to the voters' lists, these ballots are sent to the CEC for counting. If fewer than 15 persons are added to the lists, the precinct election commissions can decide to count these ballots themselves or to send them to the CEC. However, the Election Code leaves it to the discretion of the CEC to count these ballots or to set them aside, without giving any legal conditions for such a decision by the CEC. This arbitrary power of the CEC runs counter to the principle of the universality of the vote and Council of Europe standards.

16. Also as a result of the recent amendments, the Election Code contains inconsistencies and ambiguities and is open to wide and varying interpretations. This affected both the administration of the election, as well as the handling of election-related complaints and appeals.

17. According to the electoral framework, the President of Georgia is elected for a five-year term by an absolute majority of valid votes cast. If no candidate receives an absolute majority of votes, a second round of elections is organised between the two candidates who gained the highest number of votes. In the second round, the candidate that receives the greatest number of votes is considered elected.

3. Election administration

18. These elections were administered by a three-tiered election administration consisting of the CEC, 76 district election commissions (DECs) and 3 511 PECs. The CEC and DECs are permanent commissions whose members are appointed for a five-year term. PECs are set up specifically for an election and are disbanded after the elections have been completed.

19. The recent amendments to the Election Code changed the composition of the CEC and PECs. In line with these amendments, political parties are now represented on these commissions. In addition to the six members nominated by the president and appointed by the parliament, each faction in parliament or party that received more than 4% of the votes in the recent nationwide elections had one representative on the CEC and PECs. In practice this meant that the CEC and PECs were composed of 13 members, six of whom represented the opposition. The composition of the DECs was not affected by the recent amendments, but their role and powers are significantly reduced in the amended election law. In line with the Election Code, the DECs consisted of five members selected in an open competition and appointed by the CEC.

20. The CEC worked in a transparent manner but on most decisions split along party lines, highlighting the inconsistencies in the Election Code and its openness for multiple interpretations. While CEC decrees need a twothirds majority to be adopted, decisions were often made in the form of orders, which only need a simple majority to be adopted. In that manner, the CEC avoided a possible blockage of its work as a result of the split between pro-government and opposition representatives, but the legal basis for this appeared at times questionable. The opposition parties were under-represented in leadership positions in the PECs, with only two of the PEC chairpersons being appointees of the opposition. The ruling United National Movement held a de facto majority on the PECs.

21. In dealing with election-related complaints, the CEC failed to follow provisions provided by the Election Code and international standards. In its decisions it often split along party lines with its members placing narrow party political interest before a sound interpretation of the law. This was compounded by the inconsistencies and ambiguities in the Unified Election Code, which allowed the CEC to stretch the law beyond reasonable interpretation. The courts heard election-related appeals in a professional manner, but their decisions often lacked sufficient reasoning and sound legal basis, raising some questions with regard to the independence of the judicial system.

22. The late adoption of the amendments to the Election Code had an impact on the training of, and delayed the publication of the CEC manual for, PEC members. In a welcome development, the CEC conducted an extensive voter education campaign through the national media.

4. Candidate and voter registration

23. Candidate registration was open, transparent and inclusive, allowing for a genuinely competitive presidential election.

24. In total, 22 persons applied for registration as a presidential candidate. The CEC accepted the preliminary registration of 19 of these prospective candidates, who were then asked to provide the CEC with the legally required 50 000 supporting signatures in order to be registered as a candidate for the presidential election. This information was supplied to the CEC within the legal deadline by 13 prospective candidates. In line with the recent amendments to the Election Code, candidates then had two days to correct errors in their registration, including the possibility of providing additional supporting signatures if necessary. After the conclusion of that period, the CEC registered seven candidates for the presidential election. Four candidates who were not registered appealed the CEC decision at the court, which upheld the CEC decisions.

25. The seven registered candidates were: Mr Mikheil Saakashvili of the ruling United National Movement, Mr Levan Chachechiladze of the United Public Movement – the united opposition bloc, Mr David Gamkrelidze of the New Rights Party, Mr Shalva Natelashvili of the Labour Party of Georgia, Mr Giorgi Maisashvili of the Party of the Future, Ms Irina Sarishvili of the Hope Party and independent candidate Mr Arkadi Patarkatsishvili.

26. The accuracy of the voters' lists has historically been problematic in Georgia. The responsibility for the maintenance of the voters' lists in Georgia lies with the CEC, who made a commendable effort to increase their accuracy by a door-to-door verification of the lists. As a result, a substantial number of records were revised. Following the verification process, the voters' lists were published for public inspection. Voters could check the lists, and request corrections, at the PECs, DECs and via the Internet and a CEC hotline. In total, some 2 000 persons were added to the list and some 3 000 records removed during the public scrutiny

period. The deadline for public scrutiny expired on 13 December 2007. However, as a result of the recent amendments to the Election Code, citizens could be added to the voters' lists in the polling stations on election day.

27. Despite the verification efforts, the accuracy of the voters' lists remained a point of concern for many stakeholders. As a result, the inaccuracies, both real and perceived, became a campaign issue during the pre-electoral period.

5. Pre-election period and the media

28. The pre-electoral period was characterised by a highly polarised campaign environment and a climate of mutual distrust between opposition and governmental parties. A number of opposition candidates focused their campaigns on allegations that the elections would be rigged instead of on policy issues. The pervasiveness of allegations by opposition candidates of election violations on the one hand, and speculations and allegations by government forces about post-election violence and preparations for a coup d'état on the other hand, were not conducive to an issue-based election campaign.

29. The electoral campaign was marred by allegations of abuse of administrative resources by the campaign of the government candidate, including the use of governmental welfare programmes for campaign purposes and the active involvement of state officials on all levels of his campaign. Even if within the limits of the law, this clearly blurred the distinction between state and party resources and is of concern to the ad hoc committee. When deciding on the few official complaints which were filed in relation to this, the courts and the CEC tended to stretch the law beyond reasonable interpretation in favour of the ruling party candidate and government officials, which resulted in all complaints being dismissed.

30. Allegations and reports of cases of intimidation, pressure and violence against campaign activists, mostly from opposition candidates, overshadowed the election campaign. A number of cases of intimidation and violence, including kidnapping, could be verified by the IEOM. The authorities generally seemed to investigate the cases reported to it and, when allegations were substantiated, intervened. The ruling party was reported to have reprimanded some of its supporters in a number of cases. In a welcome development, the acting president and the Minister of the Interior made several strong appeals to United National Movement activists, as well as police and state officials, to uphold the law and to refrain from any actions that might undermine the integrity of the elections. However, a more proactive approach from the authorities in investigating allegations of intimidation and abuse may have lessened the pervasiveness of the allegations and would have strengthened public confidence in the election process. Although the cases reported were isolated, and no organised patterns could be detected, it is clear that intimidation and pressure on campaign activists, as well as other election-related violence, have no place in a democratic society.

31. In general, all candidates were able to campaign freely around the country. The campaign was active and mostly focused on large public rallies. The campaign was more extensive in the capital than in the regions. One candidate, Mr Patarkatsishvili, remained abroad during the campaign period, citing that he feared arrest after being accused of trying to overthrow the government by the authorities. It should be noted that all candidates have immunity from arrest during the campaign period, but this can be lifted by the CEC upon request of the public prosecutor.

32. The ad hoc committee welcomed the establishment of an Inter-Agency Task Force by the acting president to liaise with international and domestic observers. In a number of cases, the acting president intervened personally to address opposition concerns.

33. Georgia has a generally free and diverse media environment, which offers the citizens access to a wide range of political views. The closure by the authorities of Imedi, a broadcaster that openly supports the opposition, and the subsequent declaration of a state of emergency, affected the media environment in the run-up to these elections, with some journalists seemingly more willing to apply self-censorship than before.

34. Both print and broadcast media offered a wide and diverse coverage of the election campaign, enabling the voters to become familiar with the platforms of the different candidates. However, private media generally showed a bias in favour of the ruling party candidate in both the extent and the tone of coverage. While the public broadcaster was more balanced in its coverage, its tone of reporting equally favoured the ruling party candidate. Regrettably, a televised debate between the leading candidates did not take place as a result of Mr Saakashvili's decision not to participate in reaction to the negative campaigning and personal attacks on him by the opposition candidates.

35. The amended electoral law contains extensive provisions for the allocation of free airtime and equal conditions for paid advertising on both private and public broadcasters. The electoral law makes a differentiation between qualified (e.g. supported by parties that won at least 4% of the vote in the last parliamentary elections and at least 3% of the vote in the last local elections) and unqualified candidates. While this may be understandable in the context of the relatively low barriers for the nomination of a candidate, it can hinder media access for the so-called unqualified candidates, especially to the private broadcast media. The ad hoc committee therefore welcomed the decision by the public television to offer free airtime to all – qualified and unqualified – candidates.

6. Election day – vote count and tabulation

36. On election day, voting was generally peaceful, despite widespread allegations beforehand that violent incidents would take place. IEOM observers in general assessed the voting positively, although the process was often chaotic and disorganised. A number of polling stations opened with a delay, which seemed mostly to be the result of unfamiliarity of the PECs with the legally prescribed procedures.

37. A number of shortcomings and violations were witnessed, including the presence of unauthorised persons in the polling stations, attempted agitation, as well as four cases of ballot stuffing and one case of carousel voting. In addition, a few cases of multiple and proxy voting were noted as well as seemingly identical signatures on the voters' lists, which could be an indication that multiple voting had taken place.

38. A considerable number of persons, around 85 000, were added to the voters' lists in the polling stations on election day. This seemed to confirm the concerns of the ad hoc committee with regard to the accuracy of the voters' lists and is especially of concern in relation to the fact that the inking of voters' fingers, introduced as a mechanism to avoid multiple voting, was not, or was inconsistently, applied, diminishing its effectiveness as a safeguard against electoral fraud.

39. The vote count was less positively evaluated, with a number of procedural shortcomings observed. The counting process was generally slow and a significant number of PECs had problems following the legally prescribed counting procedures, which highlighted the impact of the last-minute changes to the election procedures and the late publication of the PEC handbook. Regrettably, results protocols were often not posted on the PECs for public scrutiny, in contravention of the Election Code.

40. Owing to protracted counting procedures, the tabulation process could not be evaluated in time for the joint IEOM press conference the day after the elections. However, the finalisation of the vote count and the tabulation process was observed by the IEOM through the OSCE/ODIHR Election Observation Mission observers and their findings are therefore an integral part of this report.

41. In general, it appeared that PECs had problems with completing, or were unaware of how to complete, the results protocols. In a considerable number of PECs observed (21%), IEOM observers noted significant procedural errors and omissions in the completion of the results protocols. In addition, tampering with the results protocols was witnessed in a significant number of PECs observed (8%), which is of considerable concern to your rapporteur.

42. In a welcome development, in order to enhance the transparency of the tabulation process, the CEC started posting the results protocols on its website in the early morning following the elections.

43. The latest amendments to the Election Code stipulate that the results protocols should be sent directly from the PECs to the CEC, in order to increase the transparency of the process and to avoid any manipulations with the protocols at DEC level. However, as a considerable number of PECs lacked the necessary equipment and infrastructure to do this, the DECs were tasked to send the results protocols of the PECs under their authority to the CEC directly upon receipt. Regrettably, it appeared that, in some instances, DECs corrected the PEC results protocols, in contravention of the law. In a few cases, the PEC protocols in possession of the IEOM showed different results from those provided by the DEC.

44. The overall turnout reported by the CEC was 56.19%. However, a significant number of PECs reported an unrealistically high turnout in the last three hours of the elections, which could be an indication of possible misconduct. For example, in some PECs, the increase in turnout would indicate that a voter was processed every thirteen seconds during this period.

45. In line with legal provisions, some 930 PECs sent the ballots that were cast by voters on the additional lists to the CEC to be counted. The counting of these ballots at the CEC took place in often chaotic circumstances and counting procedures were not uniformly applied, especially with regard to ballot validity. The validity of ballots was considered on the basis of a CEC ordinance, which was only adopted after election

day and which was more permissive than the relevant provisions in the Election Code. IEOM observers noted that, for some PECs, significant numbers of ballots were filled out identically, which could be an indication of tampering. However, all these ballots were declared valid.

46. Your rapporteur is considerably concerned by the fact that the election commissions – including the CEC – and the courts appeared not to adequately consider, or investigate, the majority of complaints of irregularities that were filed with them. Almost all complaints lodged with the election commissions were rejected on technical grounds, or without sound legal justification, which would appear to demonstrate an apparent unwillingness to consider the subject matter of the complaints. In addition, the courts rejected the vast majority of the 50 appeals lodged with them, mostly on technical grounds. In a welcome development, the authorities are reported to have started a number of criminal investigations related to violations on election day. At the time of writing, four complaints against the final results announced by the CEC, as well as 19 appeals against court decisions, were still pending. The deadline for the court decisions is 21 January 2008.

47. On 13 January 2008, the CEC announced the results of the extraordinary presidential elections. These results were adopted by the CEC by a simple majority of its members, with all six opposition representatives voting against the decision. With a turnout of 56.19%, Mikheil Saakashvili was elected with an absolute majority of 53.47% of the vote, avoiding the need for a second round. Mr Levan Chachechiladze won 25.69% of the vote, Mr Arkadi Patarkatishvili 7.10%, Mr David Gamkrelidze 4.01%, Mr Shalva Natelashvili 6.49%, Mr Giorgi Maisashvili 0.77% and Ms Irina Sarishvili 0.16% of the vote. In total, the results of six PECs were corrected by the CEC and the results in 12 PECs were invalidated due to irregularities, five of them by the CEC and seven of them by court order. The total number of ballots invalidated was 33 129.

48. It should be noted that the political atmosphere in Georgia remained highly polarised after the elections and was characterised by widespread allegations by the opposition that the results of the election would be falsified. However, the allegations of widespread fraud, at the time of writing, could not be independently verified, or backed up by conclusive evidence.

7. Conclusions and recommendations

49. The extraordinary presidential elections in Georgia on 5 January 2008 were in essence consistent with most Council of Europe commitments and standards for democratic elections. These were the first genuinely competitive presidential elections in Georgia since its independence and in general enabled the Georgian people to express their political will. The shortcomings revealed during these elections form significant challenges that need to be urgently addressed. Regrettably, the problems and violations encountered, some of them serious, especially during the vote count and tabulation, taint the overall election process.

50. It is beyond doubt that the violations and irregularities raise questions regarding the credibility of these elections in the eyes of the Georgian people. This is the main challenge that the Georgian authorities need to address without delay. The authorities should therefore fully, and transparently, investigate all election violations and complaints that are brought to their attention and provide full openness with regard to the grounds on which these complaints are rejected or declared admissible.

51. The Georgian authorities are requested to provide the Monitoring Committee of the Assembly with a complete list of all official election complaints, jointly with the decisions, and the underlying argumentation, that were taken on them. The ad hoc committee would suggest that the two co-rapporteurs for Georgia include in their future work the scrutiny of the manner in which elections complaints and appeals were handled.

52. The manner in which the courts adjudicated on election-related complaints raises some questions regarding the independence of the judiciary in Georgia.

53. The electoral framework in general provides an adequate basis for the organisation of democratic elections. However, the Election Code contains inconsistencies and ambiguities and is open to wide and varying interpretations. In addition, the last-minute changes to the Election Code, while generally addressing long-standing recommendations of the Assembly, have not been subject to an opinion of the Venice Commission of the Council of Europe. The ad hoc committee therefore recommends that the Georgian authorities request an opinion of the Venice Commission on the Election Code, and, with its co-operation, work to eliminate any shortcomings and inconsistencies encountered before the next elections take place.

54. The accuracy of the voters' lists remains a point of concern. The authorities should pursue unabated their efforts to improve the accuracy of the voters' lists, taking into account the additions made to the voters' lists on election day.

55. The possibility for persons to be added to the voters' lists in the polling stations on election day is of concern, especially in the context of the inconsistent application of the provisions for inking voters' fingers as a mechanism to prevent multiple voting by the same persons. Furthermore, the addition of voters to the voters' lists in the polling stations by the election commissions on election day runs counter to Council of Europe standards. The possibility to be added in the polling stations by the election commissions on election day should therefore be abolished for future elections, including the upcoming parliamentary elections in the spring of 2008.

56. The allegations of abuse of administrative resources dominated the election campaign. To a certain extent, this was also the result of inconsistent and unclear regulations in the Election Code, which allow the blurring of state and party functions during the election period. This should be remedied for future elections. In addition, proper regulations regarding the transparency and disclosure of campaign financing should be adopted in order to bolster the legitimacy of the election process in the eyes of the Georgian public.

57. Pressure and intimidation on citizens and campaign activists have no place in a democratic society. The Georgian authorities should therefore fully investigate any such cases brought to their attention, and if substantiated, perpetrators should be prosecuted and sanctioned to the fullest extent of the law. For the sake of public confidence in the electoral process, a climate of impunity for election offences should not be allowed to exist.

Appendix

Georgia: restoring confidence in democratic elections is the joint responsibility of all political forces[2]

(Strasbourg, 7 December 2007)

International Election Observation Mission – Georgian election in essence consistent with most commitments but challenges must be addressed urgently[3]

(Strasbourg, 6 January 2008)

2. This text is available on the Council of Europe Internet site, at the following address: www.press.coe.int.
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