

Georgia 1995: Presidential and Parliamentary elections

The parliamentary and presidential elections held in Georgia on 5th November 1995 were the second to take place in the country since Eduard Shevardnadze assumed power in March 1992. All three Caucasus republics held elections in 1995. Those in Armenia and Azerbaijan attracted much criticism from international observers: multiple voting, oppressive police presence at polling stations and media censorship being the main areas of concern. It is, therefore, of interest to discern whether or not the same conditions prevailed in Georgia. Georgia has been devastated by bitter disputes with breakaway movements in the autonomous republics of Abkhazia and South Ossetia that have ravaged civilian life and created thousands of refugees. It has also pursued a remorseless vendetta against supporters of the previous President, Zviad Gamsakhurdia, committing, in the process, serious abuses of human rights. It is against this background that the 1995 elections took place. The British Helsinki Human Rights Group took part in two missions to Georgia: a pre-election visit in October 1995 to monitor the campaign and pre-election atmosphere, followed by the observer mission proper in November. The following report is, therefore, divided into two parts presenting the results of the first visit as well as a report on the election itself. Although it may seem stylistically inelegant, the pre-election report has been left in the present tense as the editors feel this best reflects the rapporteurs' views at the time the document was written

Pre-election monitoring mission, 5th -12th October 1995

On 5th November 1995, Georgia will hold elections for an executive President and a Parliament. The candidate who receives more than 50% of the popular vote will be elected President. The Parliament will be elected on a modified "German system" by a mixture of 84 directly elected majoritarian seats and a proportional list system with a 5% threshold.

Georgia's recent violent and polarized politics make it highly desirable that a democratically legitimate President and Parliament should be elected, which would be the best hope for reconciling the political tensions inside the country and laying the basis for sustained economic recovery. However, unfortunately, there are reasons to doubt that the elections on 5th November will be conducted according to internationally-recognised standards of fairness and freedom.

The context

Mr. Shevardnadze returned to Georgia and assumed the chairmanship of the renamed State Council in March 1992. Shortly afterwards, the international community, led by the USA and Germany, granted the diplomatic recognition denied to Gamsakhurdia's elected government. Unfortunately this recognition did not improve the human rights situation.

Waves of arrests of suspected opponents continued. Pre-trial torture and abuse were commonplace (as subsequently admitted by Mr. Shevardnadze after international human rights monitors presented evidence). The wider public was also subjected to intimidation, extortion and other pressures especially from the militias associated with the regime.

In October 1992, Mr. Shevardnadze was elected 'unopposed' as Chairman of the Parliament chosen at the same time. The absence of opposition to Shevardnadze was testimony to the intimidation of potential rivals, as well as to the refusal of the supporters of President Gamsakhurdia in exile to accept the legality of such an election by putting forward a candidate in place of the deposed President, whose mandate had four years to run. The absence of real opposition combined with the single candidate for the supreme office rendered the elections irrelevant as a test of popular opinion.

Meanwhile in August 1992, Mr. Shevardnadze's government unleashed a war to recover control of the separatist region of Abkhazia in Georgia's north-west. This war was marked by similar random violence and looting to that witnessed elsewhere in Georgia. The war went disastrously for the Georgian authorities and by the end of the summer of 1993, the whole province had been lost. At the same time, President Gamsakhurdia returned to the country. With the support of Russian and Ukrainian troops, Mr. Shevardnadze was able to defeat the supporters of Gamsakhurdia, who died in mysterious circumstances in hiding at New Year 1994.

The elimination of Gamsakhurdia as a living factor in Georgian politics seems to have encouraged Mr. Shevardnadze to begin to rid himself of his more obviously undesirable associates over the next 18 months. Kitovani's group was the first to be purged, then the attack turned to the Mkhedrioni. At the same time, Georgia has been shaken by a wave of assassinations, including most importantly Georgi Chanturia, one of the politicians who had invited Shevardnadze to return after the anti-Gamsakhurdia coup. On 29 August 1995, Mr. Shevardnadze himself was wounded when a car bomb exploded outside the Parliament building in Tbilisi.

The bomb-blast delayed the signing of the new constitution, which was scheduled for 29 August. It also marked a decisive moment in the breakdown of relations between the different elements of the regime established in 1992. The Security Minister, Igor Giorgadze, was accused of masterminding the attempt to assassinate the head of state. In turn from exile in Russia, he accused Mr. Shevardnadze of crimes of his own and corruption. The full ramifications of this development are yet to be seen.

As the elections approach, Georgia remains tense because of the continuing internal polarisation in politics and the threat of violence for political ends. The observer mission paid particular attention to the following issues:

- 1) the political parties and their assessment of the coming elections;
- 2) the current human rights situation, including media freedom; and
- 3) the provisions of the constitution and its implications.

Political parties and the election

Over 90 political parties are supposed to exist in Georgia, and the Central Election Commission had knowledge of 55 who might seek registration for the elections. Leaving aside continuing court cases about registration, 43 parties seemed to have provided the CEC with the necessary documentation to register candidates for the Parliamentary elections. There are also 5 candidates for the Presidency – the best known apart from Mr. Shevardnadze is Jumber Patiashvili, Mr. Shevardnadze's successor as First Secretary of the Georgian Communist Party in 1985. Many of the parties are extremely small and unlikely to gain seats either by surpassing the 5% hurdle or by gaining direct mandates.

The parties taken seriously most widely include: 1) the Citizens' Union whose presidential candidate is Eduard Shevardnadze; 2) the Agrarians; 3) the National Democratic Party, without a presidential candidate; 4) the Traditionalists; and 5) the supporters of a boycott of the elections, whose effectiveness could influence the turnout and balance of voting. Other parties include various Communist Parties (e.g. the Stalin Society which endorses Mr Shevardnadze's candidacy), the Republicans, and a host of others.

With the exception of representatives and supporters of the Citizens' Union, fears of some form of electoral fraud were widely expressed, including by representatives of all the other parties with whom the Mission spoke, boycotters, NGOs and members of the public. The state administration acting on behalf of the current head of state or his party was widely

accused of preparing various forms of fraud or being willing to tolerate them. Groups rejecting the current government as illegal and therefore boycotting the vote on 5th November were most confident that fraud would be organised from above, but their fears were shared by many others.

Two basic types of possible fraud were alleged:

1) Organised multiple voting, and, 2) false counting and the switching of ballot boxes or distortion of the tabulation of final results. This last fraud might be perpetrated at the individual polling stations or regional and national levels according to these charges. How realistic are they?

2) Multiple voting has been commonplace in other former Soviet republics when voting was an irrelevant chore, and delegating a family member to vote for all the adult relatives in a household was a sensible approach to a meaningless ritual. Continuing evidence of family-voting in the FSU may be a hangover from Soviet days. Some of the plural voting noted by observers in Georgia in 1992 probably was no more than that, but whenever the prestige of a political leader or administration depends on turnout (as it did in 1992 to a great extent), then the temptation to massage the poll upwards may prove irresistible.

Today, certain factors in Georgia are present which could encourage and facilitate organised plural voting to the benefit of one candidate or party list. The registration and location of voters has been confused by the inflow of refugees from Abkhazia (as many as 250,000) into other regions of Georgia, and the emigration of up to 500,000 mainly male Georgians from the country in search of work. The campaign for a boycott by President Gamsakhurdia's supporters might claim credit for apathy as well as deliberate refusal to vote, and thereby undermine the legitimacy which the present administration hopes to achieve at the polls.

Genuine confusion at polling stations about individuals' identities and right to vote may be confounded by fraud. Refugees, for instance, may vote only for the president and party lists, but not direct candidates. However, it might be relatively easy for them to receive all three ballots if an election commission decides to give them out. Crooked election commissions ought not to exist, but given the role of the regional governor in choosing their chairmen and the governors' wide-ranging powers and influence over the localities, commissions might fall prey to pressure from governors who in turn are alleged to be invariably supporters of the Citizens' Union and are certainly nominated by its candidate for President, Mr. Shevardnadze. Observers should therefore be alert to the misuse of identity cards or the use of additional lists of unregistered voters. They should also pay careful attention to counting procedures.

3) While some of the multiple voting irregularities may be innocent (i.e. not organised), any **switching of ballot boxes** or **false counting** (at either local or national level) would have to be deliberate. Slow counts are often bad counts, and observers should note any unusual or unexplained delays in counting or tabulating results. (Equally, announcements of results while counting continues should also be suspected.)

Concerns about the mechanics of possible electoral fraud are matched by criticisms of the fairness of what campaigning has taken place so far. State television and radio gives considerable, high-profile and favourable coverage to the activities of President Shevardnadze and many of his advisers or officials, who are also candidates for parties supporting his candidacy for President.

The print media are much less widely distributed. In total, about 40,000 copies of newspaper appear on newsstands, largely in Tbilisi. Outside the capital, state-controlled media dominate almost exclusively. During the formal campaign starting now, the broadcast media should treat all candidates/parties equally, but so far the tone set has been one-sided in favour of the Citizens' Union.

Incumbents naturally have an advantage, but Mr. Shevardnadze's supporters enjoy advantages going beyond those normally enjoyed in pluralist democracies. His party is vastly better financed and could plaster the walls of Tbilisi and its environs with posters with the Citizens' Union's distinctive rainbow logo before the start of the campaign, and before parties knew what their number on the ballot would be! Only the National Democratic Party had any posters in quantity on view. Even the relatively well-funded Traditionalists said that they needed to wait for the announcement of their place on the ballot before they printed their campaign posters, since they could not afford to print a second run with the "Number X".

The Supreme Court has taken up some challenges to the actions of the authorities or the CEC. For instance, it reinstated Panteleimon Giorgadze as a presidential candidate despite the investigation into his possible involvement in his son's alleged plot to assassinate Mr. Shevardnadze on 29th August 1995. The so-called "Yellow Party" was also able to put its list forward after a challenge in the Supreme Court to an earlier CEC ruling.

These positive signs of the rule of law (and possible international influence) have to be set against cases like the CEC's failure to consider charges that the Citizens' Union had broken the election law by using the distribution of humanitarian aid to "treat" the voters in particular places and gain party political advantage. Aid provided by the Danish organisation Caritas was at the centre of the scandal, but the threatened resignation of Professor Ivan Kiguradze, the CEC chairman, a presidential nominee, threw the investigation into confusion and limbo, where it remains.

The local dominance of presidential nominees – governors, etc. – as well as the omnipresence of the President in the mass media might well create a climate of opinion in which his victory became taken for granted, an alternative unthinkable. This might discourage domestic observation of the polls and complaints of any violations of the law, which might – or might not – occur.

The constitutional order

Like many other former Soviet republics, the new Georgian constitution passed on 25th August 1995 envisages broad powers for the president, a strict separation of powers between president and parliament (though with considerable executive influence over the judiciary), and therefore a weakened and constrained role for parliament. Citizens' Union spokesmen were strongly in favour of reducing the role of parliament and were also happy with the absence of elected local government as a check on the governors appointed by the president. They saw too much parliamentary authority or local government as a threat to good order and even the territorial integrity of the (multi-national) Georgian state. (About 30% of the population are not Georgians.)

The constitution seems to sandwich the parliament between a vice-like grip of the president above and his nominees below. The executive branch has considerable powers to ride out criticism or negative votes in parliament. Even the proposed Ombudsman – an otherwise positive idea – might well diminish further parliament's natural role as the voice of individual and collective grievances against the executive or its individual officers. At best, in the view of some oppositional candidates, the Georgian Parliament would act as a "tribune of the people", raising issues but not necessarily able to resolve them itself.

In theory, a separation of powers should already exist, but it was only on the eve of the start of the election campaign that 40 MPs resigned from their executive posts to stand again. Spokesmen for the Citizens' Union regretted the future separation between the executive branch and parliament and proposed that it would make parliament more responsible and less confrontational if serving members of the executive branch could be elected as deputies in future.

Absence of due process and torture

The fact that three sitting deputies have been arrested by the police or state security service despite their parliamentary immunity illustrates the lack of respect among the key institutions of the executive branch for due process and the rule of law. However, the most serious breaches of basic human rights have been confirmed by international observers in Georgia. The fact that one of the MPs under arrest, the Monarchist Georgeliani, had accused President Shevardnadze of being present at the scene of the drum-head execution of 9 deserters after the debacle in the Abkhaz war in 1993 takes the allegations of denial of due process to the very top. Mr. Georgeliani in turn has been accused of firearms and drug offences! The tendency to "throw the book" at accused persons by charging them with apparently any and every crime, with a fanfare of publicity (and then equally casually the dropping of certain charges afterwards), detracts from the chances of a fair trial and respect for the investigating organs' objectivity.

Pre-trial torture and maltreatment have been commonplace during the investigation of politically-motivated crimes. Human rights groups as well as diplomatic observers have visited prisoners displaying clear signs of physical torture on their bodies. The State Human Rights Committee has admitted several cases and pursued six officials at least for abuse of prisoners. However, other observers regard the scale of the problem as much greater. At present 13 prisoners are sitting on death row who were accused of politically-motivated offences and suffered torture during the investigation. (This was confirmed by a British Helsinki Group prison visit in February 1995.) The failure to quash confessions extracted by torture, and the continuation of the trials and sentences of victims of torture, flies in the face of judicial norms under the rule of law.

Public opinion in Georgia has generally welcomed the crackdown on the Mkhedrioni and other quasi-criminal militias. But the methods used to investigate their alleged crimes recall the brutal approach to political dissidents and opponents noted earlier. The fact that some of the Mkhedrioni themselves may have been torturers does not validate the state's use of counter-torture against them.

It may be, as has been suggested from the state side, that the police and investigators are often indignant about the horrible nature of the crimes which they are investigating, but it is precisely their duty to uphold discipline and the rule of law in an excited political atmosphere.

In general, it seems widely admitted that the conditions under which pre-trial prisoners are held are extremely unsatisfactory and unhealthy (TB is widespread, for instance).

Conclusion

The human rights situation in Georgia remains a serious cause of concern. Elections against the background of widespread distrust of the authorities, routine maltreatment of government opponents in prison and under a constitutional dispensation which concentrates power already in the hands of the executive, especially at local level, will need to be carefully monitored by the international community before any conclusions about their validity can be reached.

List of Parties, Organisations, etc., visited

Parties (alphabetic order):

The Citizens' Union
"Election" (Ioseliani)
The Ilya Chachavadze Society
The National Democratic Party

The Republicans
The Traditionalists

Members of the Helsinki Union/Roundtable (boycotting the elections)

The President's Press Spokesman – Ramaz Sakvarelidze

Chairman of the State Committee for Human Rights – S. Kavsadze

Director of the Prison Hospital, Tbilisi – Dr. Navolis Kobulia

OSCE-Election Monitoring – Ernest de Lammine and staff

OSCE-Human Rights Monitoring – Darya Fane

UNOMIG – Colonel Deu

Norwegian Refugee Council, Oxfam, Penitential Reform International and other international bodies, NGOs, etc.

The Monitoring Mission was sponsored by the Norwegian Helsinki Committee for Human Rights. The International Helsinki Federation gave its support. The members of the Mission were:

Guri RUSTEN, leader (Norwegian Helsinki Committee)

Ramaz REKHVIACHVILI (Caucasia: Centre for Human Rights and
Conflict Studies, Tbilisi, Georgia)

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Georgia: Presidential and Parliamentary Elections 1995

In the parliamentary elections held in October 1992 Eduard Shevardnadze stood unopposed for the post of Speaker of the Georgian Parliament. The absence of other candidates was explained by his supporters and sympathetic media by the overwhelming popularity of the former Soviet Foreign Minister (1985-90) and leader of the Georgian Communist Party after 1972. It was claimed that no other candidate would stand a chance of success. In practice, the supporters of the ousted president, Zviad Gamsakhurdia, regarded him as still being in office and, as a result, they boycotted the polls. In the event, Mr. Shevardnadze was elected with 95.6% of the vote.

Afterwards, Shevardnadze assumed the *de facto* functions of an executive president as well as those of parliamentary speaker. However, a constitutional basis for such authority was only promulgated in August 1995 in the run-up to the election. The new constitution gives the president wide executive powers.

6 candidates competed for the presidency in the November elections. Although some of them were not serious opponents of Shevardnadze (some even went as far as praising him) two of his rivals, Jumber Patiashvili and Pantileimon Giorgadze, seem to have represented genuine competition from the ranks of his erstwhile comrades in the Georgian Communist Party. No candidate was registered who represented the late President Gamsakhurdia's legacy.

The Candidates

Roin Liparteliani (b. 1951) Liparteliani, a Doctor of Agricultural Science formed the Agrarian Party of Georgia in January 1994. He was elected to parliament in 1992 on the list of a former agricultural party. The Agrarian Party nominated him as candidate for the presidency even though it officially “supports the policies of Mr. Shevardnadze”. He himself regards Shevardnadze to be “the second best candidate” !

Kartlos Gharibashvili (b. 1954) Lawyer. He represented Jaba Ioseliani, the leader of the Mkhedrioni when the latter was imprisoned by Gamsakhurdia in 1991. He was a founder member of the Democratic Party from which he was expelled in 1993. Gharibashvili has been a firm supporter of Shevardnadze and was one of the first people to call publicly for his return to Georgia even when Gamsakhurdia was still in power. He approves of the policy of rapprochement with Russia through the mechanisms of the CIS. Although he stresses the fact that he is the only candidate who has never been a member of the Communist Party he supports public ownership and the revival of Soviet era policies of social protection.

Akaki Bakradze (b. 1928) Bakradze was appointed director of the Rustaveli Theatre Company by Shevardnadze in the 1970s. He has some dissident credentials as a critic of the Soviet Union in the 1970s and is now said to be supported by right-leaning groups. However, like many politicians in post-Communist societies he wants the best of all worlds e.g. Land to be privatised but still remain under the ‘surveillance’ of the state.

Panteleimon Giorgadze (b. 1925) Giorgadze had a long career in the Soviet army. In 1992 he became commander of the Georgian peace-keeping forces in South Ossetia and was elected to parliament on the Workers’ Socialist Party list. He founded the United Communist Party in June 1994 which supported his candidacy for president. He is also the father of Igor Giorgadze, former head of the Ministry of State Security who was dismissed shortly after the bomb explosion in August that nearly killed Shevardnadze. Giorgadze Junior was a prime suspect as the perpetrator and fled to Moscow from where he has evaded arrest by the Georgian authorities and managed to publish material damaging both to Shevardnadze and the ruling political class in Moscow. It was alleged that the plot to kill the president was hatched in Panteleimon Giorgadze’s flat.

Jumber Patiashvili (b. 1939) He succeeded Shevardnadze as First Secretary of the Georgian Communist Party in 1985 and, as such, was in power when Soviet troops killed over 20 people in the centre of Tbilisi in April 1989. He was elected to parliament as an independent candidate in 1992. BHHRG observers gained the impression that of all the candidates (apart from Shevardnadze) Patiashvili had the most support, probably because of his criticism of rapid privatisation and market reform. This might explain why Georgian TV tried to discredit him by regurgitating the events of April 1989 on the eve of the elections. The same programme also accused him of being involved in the August 1995 bomb plot. This heavy-handed campaign might explain why some supporters of Patiashvili expressed concern for their safety to a BHHRG observer in Zugdidi.

Eduard Shevardnadze (b. 1928) The former First Secretary of the Georgian Communist Party returned to Georgia in March 1992 and has been effectively head of state since the elections in October of that year. Opinion polls consistently put him in the lead before the 1995 poll and he undoubtedly had the best organised campaign as did his party, the Citizens’ Union. Although his popularity in Georgia was high as it was in the west, many Georgians probably believed that his good connections with Western statesmen would help bring prosperity to the country. This has – manifestly – not been the case and unofficial polls suggested that Shevardnadze could only count on 6% of the poll in summer 1995. Nevertheless, there was never much doubt that he would be the successful candidate. He avoided espousing any particular ideology other than embracing market reform and social protection at the same time. In this he was not alone.

Each candidate was required to present 50,000 signatures endorsing his candidacy.

Political Parties

The elections for parties and candidates were conducted according to a mixed system of proportional representation according to party list (threshold, 5%) to 150 seats with 75 MPs elected according to the majority system in the same number of constituencies. 67 parties sought registration to participate in the election with 54 parties and blocs eventually participating.

Registration

A party that was not already registered in the parliament had to gain 50,000 signatures for registration – 39 of them succeeded. (After the 1992 elections Speaker Shevardnadze had permitted several parties and candidates who failed to gain enough popular support to get elected nonetheless to take seats in parliament as a – somewhat irregular – way of promoting pluralism). The plethora of parties, each seeking 50,000 individual signatures, represented a serious challenge to their organisational abilities, since many of them had a miniscule fraction of that number registered as members. Some party activists complained that the effort and expense involved in registering for the elections exhausted their capacity to campaign in the run-up to the actual voting. Among the successful 54 parties was the Progressive-Democratic Party which “has shown no signs of life” since its chairman went to study in the US in 1991, according to a profile published by the Caucasian Institute for Peace, Democracy and Development in Tbilisi.

Official results published by the CEC on 8th November 1995 showed that 45 out of the 54 parties received fewer than 50,000 votes. How, then, did these 45 parties originally gain the support of 50,000 people? Perhaps some clue to this discrepancy lies with the fact that BHRG’s observer saw many blank pieces of paper among the registration documents presented to the CEC in October during his pre-election mission to Tbilisi. It was unclear whether these papers were processed along with genuine signature lists, but proceedings inside the CEC left a disorganised impression at best.

The plethora of parties was hailed by foreign observers as being a sign of healthy progress towards democracy. But, even the pro-Shevardnadze Caucasian Institute for Peace, democracy and Development admitted that the electorate was unfamiliar with most of them, that they had vague programmes and provided unreliable information about matters such as membership. Perhaps observers were failing to make the necessary distinction between plurality and proliferation. The former, indeed, being an indication of democracy, the latter the symbol of confusion and obfuscation.

The 1992 election produced a crop of parties with unlikely names and nebulous provenance like the Union of God’s Children of Georgia. Even more recondite groupings appeared in the 1995 elections, 22 of which were founded in that year alone. The Political Movement “Fatherland, Language and Faith”, the All-Georgian Political Organization “Lemi” (lion), the Political Organization “New Georgia” which states that it “does not express a position on political matters”.

In a country with c. 200,000 people of voting age the possibility that such parties could have any resonance with voters and exist beyond their founders’ fertile imaginations is hard to believe. Added to which, it is estimated that newspaper circulation in Georgia is c. 40,000 while state television only allocated one slot of 5 minutes each for parties to promote their policies.

It must be reasonable to ponder on the need for so many parties. One theory is that while impressing Western observers they serve to confuse the electorate which, less than 6 years ago, only had one party to vote for. The Bloc Zviad’s Way-Nation’s Choice is a classic example of a possible spoiling exercise. Although bearing the Christian name of former

President Gamsakhurdia this grouping broke away from the 21st Century Bloc (the legitimate party formed by those supporters of Gamsakhurdia who chose to run in the elections). As such, it probably took votes away from the latter.

28 parties officially endorsed Mr. Shevardnadze's candidacy for the president, 2 supported Patiashvili, 3 Bakradze and 1 Liparteliani. (None apparently endorsed Mr. Giorgadze). Of the remaining parties, 9 registered as 'don't know' on the vital issue of who should be president of Georgia, with the rest against Shevardnadze.

The Campaign

The low circulation of newspapers meant that the only mass media able to reach the population at large were radio and television. News programmes on both were strictly controlled and reported in a manner favourable to Mr. Shevardnadze and put out programmes that could only have been calculated to damage Mt. Patiashvili and the elder Giorgadze. Election broadcasts were guaranteed to each registered candidate but they were infrequent and could hardly counter the pro-Shevardnadze bias of the news and other programming on television and radio. Private broadcasters were permitted to carry political slots but charged for the time which, in effect, excluded almost all candidates through lack of funds.

Posters for Mr. Shevardnadze and his Citizens' Union were on display everywhere. Producing so many with a variety of pictures and logos must have been expensive. Only the National Democratic Party's poster campaign remotely approached the saturation coverage of the Citizens' Union. Other parties and candidates complained about the lack of resources for effective campaigning. Officially, each candidate was entitled to receive the equivalent of \$US200 to fund his campaign but, in practice, the funds were not paid out.

At the local level, opposition supporters complained of official obstruction to their campaigning and intimidation. The Georgian "Fair Elections" Society also noted cases of election officials actively participating in the campaigning for candidates. Local authorities and employers frequently prevented opposition candidates holding public meetings on their premises. Given the close relations between the state and employers this was a serious obstacle to free campaigning.

Despite the ban on publishing opinion polls in the two week run-up to the polls, in practice, several opinion surveys were disseminated in the press. They cast Mr. Shevardnadze's campaign in a favourable light and seemed intended to demoralise the opposition.

State authorities, such as the procuracy, made announcements and spread information which was bound to affect the campaign. This was most pronounced in the efforts to link the elder Giorgadze to the alleged bomb plot of his son, Igor Giorgadze against Shevardnadze.

The opposition's campaigning was, therefore, hindered in a variety of ways and Mr. Shevardnadze's campaign was helped by the way in which state organs acted to enhance his standing and denigrate his key opponents.

The Georgian authorities invited the OSCE to provide election observers from the international community. After some hesitation they also agreed to permit local monitoring of the polls. In practice, the local monitors' rights were much less extensive than those granted to foreigners. In particular, local monitors were excluded from the tabulation procedures when the counts at individual polling stations were reported to district commissions and then to the CEC in Tbilisi. In the event, after the elections, the CEC was unwilling to permit all OSCE observers to monitor the tabulation of results (See BHHRG's experiences below) In theory, international parliamentarians retained the right to check the accuracy of the final tabulation but there is no record of any of them taking the opportunity to do so.

The Central Election Commission was not regarded as neutral by many members of the opposition. Opposition parties, like the Twenty-First Century Group (uniting some supporters of the former president, Zviad Gamsakhurdia) which had boycotted the 1992 elections were

at a disadvantage because unlike those parties which had sat in parliament since then they were not entitled to a paid, permanent representative at the CEC. Given their lack of funds such groups found it difficult when it came to monitoring the CEC and local election commissions in the run-up to the voting itself.

The fact that the CEC was based in the Georgian Parliament complex meant that ordinary citizens found access difficult. A complicated accreditation procedure was required by security regulations before anyone could gain admittance. This may well have discouraged complainants.

The failure of the CEC to act on complaints with evidence attached suggested either bias or that it was itself subject to outside political pressure. The well-substantiated allegations made early in the campaign that the Citizens' Union had purloined food aid from the Danish charitable organization, Caritas, and distributed it in a calculated attempt to 'treat' voters being a prime example.

The election

The Group's representatives observed the elections in South Ossetia and surrounding villages. Another observer visited Western Georgia and the region in and around Abasha.

Voting took place in a calm atmosphere although the observers noted the presence of policemen in the polling stations. It was also noted that local government officials were ubiquitous. As there had been gerrymandering of local government personnel in the run-up to the poll it is possible that the presence of such people with clout in the neighbourhood could have influenced the way people voted.

Ballot Papers

54 parties were listed on the ballot paper for the parties. Originally, the electoral law required the voter to put a ring around the number of the party he was voting for and cross out all the other parties. Later, the CEC advised officials at precinct and district level that merely circling the number of the party of preference would be sufficient. Ballot papers for the majority candidates would be treated in the same way. On election day many voters did not comply with these new guidelines (where issued). Some were observed putting a ring around a number and either crossing off some of the other names (depending on the time and energy available) or not deleting any of them. When it came to the count a large number of disputes developed over the validity of the ballot papers. Assumptions were made about the voter's intentions depending on which instructions those counting the vote thought he or she had followed.

Officials were not always clear about the exact number of ballot papers received. There were also discrepancies between the numbers delivered for the three different elections – presidential, majoritarian and list. The "Fair Elections" observers also noted that commissions frequently failed to count the number of ballots before the opening of the polls.

Handwritten additional lists of unregistered voters were widely used. It was unclear how exactly the election officials determined the right to be added to such a list. The registration of voters ought to have been completed beforehand, but the numbers of displaced people undoubtedly caused problems. However, it was not possible to determine exactly which ballot papers were distributed to the voters registered on the additional lists.

Mobile ballot boxes were available for the sick. The difficulties involved in tracking the universal use of mobile polling urns makes their potential contribution to fraud unquantifiable. Failure to tabulate and account for the number of ballot papers used in this way as well as overall must seriously damage the credibility of the poll.

Sometimes voters were given ballot papers without identifying themselves. Multiple voting was also observed: some voters were given several ballots for each poll despite the regulations which clearly forbade this.

Another complication was the withdrawal of candidates at short notice. For instance, in a Tbilisi constituency four candidates had withdrawn, but, how many voters saw the notice to this effect cannot be established.

Turnout

The Group's observers did not think that the turnout was high in their sample of polling stations, though official figures published by the CEC later suggested a much larger turnout than they observed.

Straw polls taken during the day at the polling stations visited suggested that voting was slow. For instance, by 11 a.m. in a village polling station with 650 registered voters outside Gori, only 64 people had voted. Inside Gori itself, shortly afterwards, only 450 out of 1960 registered voters had cast ballots. Generally, voters had been expected to vote early in the day.

By the end of the day, at Tbilisi polling station No. 1 – Mr. Shevardnadze's own place of voting – 1741 out of a registered total of 2800 had cast ballots including 383 on the additional list. This was a 62% turnout but with 13.5% of the voters on the additional list – i.e. a registered turnout of 48.5%.

Observers

In 1995 the National Democratic Institute (NDI) organized a domestic observer mission for the Georgian elections, the Fair Elections Society. Initially, there were not enough volunteers and a public appeal was made for more resulting in 1200 monitors recruited who were able to cover 986 precinct polling stations.

However, Fair Elections reported that some of its monitors (as well as representatives for parties and candidates) were either not admitted to or expelled from some polling stations. At 5.00 a.m. on 6th November BHHRG's observer was present when armed police evicted 10 domestic observers from the district electoral headquarters in Abasha at the request of the chairman of the local commission.

There was little violence during the election campaign and voting but after the results some discontent with the outcome led to clashes with the authorities. In addition to charges of manipulation, resentments between winners and losers were apparent. In one extreme case, the defeated sitting MP for Baghdati, Bezhan Khurtsidze, shot his victorious rival, Onari Bazieri, in both legs on 8th November.

The Count

The count took a long time in many places because of the confusions described above. Although a count can appear satisfactory at precinct level there is always the possibility that the protocols of results can be 'doctored' as they travel through the system from district to CEC. BHHRG's observer noted this in Abasha. He compared 5 protocols at both precinct and district levels and found that in two cases votes for Shevardnadze and Patiashvili had been switched around. In Abasha (polling station No. 1) the precinct protocol indicated:

Shevardnadze	632
Patiashvili	1090

Similarly, in No. 17 (Naesakovo) the written result was:

Shevardnadze	189
Patiashvili	442

However, when inspected at district level these results had been reversed – in each case giving Patiashvili's score to Shevardnadze and vice versa. When BHHRG's observer tried to bring this discrepancy to the notice of DEC officials they were uncooperative. However, he did manage to photograph both sets of protocols.

After returning to Tbilisi BHHRG went to the CEC to check the same protocols but even though he was assured the 'error' had been corrected he was not allowed to see the relevant documentation and, anyway, he was told that international observers could only observe the count at local level. Only representatives of candidates and parties could participate at the CEC. There is no evidence that they were able to check this and other allegations of vote-switching and fraud.

The Fair Elections NGO noted instances where members of local election commissions signed protocols *before* the results were entered on them.

Conclusion

The credibility of the Georgian parliament as an effective power must be called into question because only 3 of the 54 parties standing for election crossed the 5% threshold. Many received far fewer votes than nominating signatures! More than 61% of those who voted "wasted" their ballots by casting them for parties which fell below the threshold. It is difficult to see how such an election process can command public respect. In fact, the opposite impression is more likely to prevail with such a farcical over-choice between parties on the ballot paper and under-representation in parliament. This can only result in the weakening of the prestige of the parliament and the reinforcement of the tendency to presidential hegemony. Shevardnadze can claim an overwhelming mandate from the electorate but only seen against the background of an unfair campaign and an electoral process littered with irregularities.

The three parties that crossed the 5% threshold were: the Citizens' Union, the National Democratic Party and the Revival Union with 38.3% of the vote between them. Also, Revival's writ only runs in the Autonomous Republic of Adjara. The OSCE which had an office in the Adjara capital, Batumi, during the elections noted the overwhelming support there for Revival and its chairman Aslan Abashidze, a parliamentary candidate and enthusiastic supporter of Shevardnadze. The OSCE reported that "the number of complaints from neutral observers and opposition party representatives about their treatment in Adjara exceed those from any other region in the country". Members of the Republican Party in Adjara claimed the final results of the election were falsified. However, the OSCE put Revival's popularity down to the region's "stability" and "economic affluence" due to its close proximity to Turkey.

Human Rights at the time of the Election

Over the past four years many supporters of ex-President Gamsakhurdia have been arrested and imprisoned, often in conditions that have evoked serious criticism from leading human rights groups. However, in the period leading up to the 1995 elections groups previously supportive of President Shevardnadze, notably, members of the Mkhedrioni fell into disfavour with the regime in Tbilisi. While it is true to say that clearing up the criminal elements associated with the Mkhedrioni was obviously seen by the government as part of improving their bona fides with the outside world it is probably the case that paramilitary elements of this kind had outlived their usefulness. Since Autumn 1995, a significant number of the Mkhedrioni have been arrested and now languish in jail. In the period preceding the election Ioseliani himself was placed under house arrest and on 15th November formally arrested.

While the Georgian government must no longer contemplate any serious revival of Zviadism it still refuses to countenance outward support for the previous president. On 28th October, police broke up a peaceful meeting organised by the Round Table-Free Georgia to commemorate the fifth anniversary of the first multi-party elections. Although the demonstration was held in a private garden away from the road 54 people were arrested for, among other things, obstruction and taken to the Mtatsminda district police

station. Most were released the same day but 6 were tried and sentenced to 10 days imprisonment on 29th October. No lawyers were present when they were sentenced nor were they given any opportunity to defend themselves.

On 3rd November, two days before the elections, masked police wielding truncheons arrested 5 people demonstrating peacefully outside the parliament building on Rustaveli Avenue. The incident was witnessed by journalists as well as members of BHHRG who recorded the incident. Three of the demonstrators were sentenced to 7 days imprisonment the other two were released after paying a 30 lari fine – the average salary for a university teacher in Georgia is 5 lari per month.

Members of the Group visited Nugzar Molodinashvili who has been held in custody in Tbilisi's Prison No. 1 since his arrest on 7th May, 1995. During the three months preceding his arrest Molodinashvili had been trying to unite the opposition in preparation for the forthcoming elections. A National Consultative Board had been formed in April in which both the official parliamentary opposition and the Zviadist opposition took part. On 5th May, the board published a declaration which outlined the conditions for the various groups to participate in the future. Two days later Molodinashvili was arrested.

He is charged with the usual melange of offences – banditry, treason etc. and his case has been joined to others in the indictment. 'The Case of Gamsakhurdia and his Supporters'. However, despite there being 50 volumes of depositions against the defendants in the case he said that his lawyer had not been able to read the evidence against him and neither of them knew the substance of the case to be answered. Although a warrant for his arrest had been in existence since October 1993, Molodinashvili had been at liberty until he began his attempts to coordinate the opposition in May.

The Aftermath

Once the international observers left Georgia the authorities took steps to clamp down on the opposition including the extra-parliamentary boycotters and the press. For instance, the newspaper *Free Georgia* was confronted with a tax demand for \$US 4000 which was well beyond its capacity to pay. The authorities froze the bank account of *Free Georgia* which makes its further appearance problematic. In February 1996 the government proposed charging a 20% rate of VAT on the press.

The opposition candidate and editor of the newspaper *Samreklo* Elizbar Javalidze and members of his staff were detained after the elections. He is now in Germany where he has asked for asylum together with former MP Bidzina Giorgobiani.

The campaign against Ioseliani and Giorgadze intensified. Georgian TV reported another terrorist attack on Shevardnadze planned to take place on the day of his inauguration as president on 26th November. The television programme stated that the plans had been drawn up in Ioseliani's home. Although Ioseliani was originally charged in mid-November with possessing narcotics and firearms he was held responsible by late December for the assassination attempt. It was alleged that he had wanted to go further and launch grenades into the president's residence.

On 7th March, Tamaz Pailodze, head of Ioseliani's bodyguards, was sentenced to 5 years imprisonment for the illegal possession of arms. Tengiz Kitovani another former ally of the President who has been in custody for the past year suffered a heart attack and was moved to the prison hospital. On 4th March 1996, Zaur Kobalia, brother of Loti, was sentenced to 13 years imprisonment for banditry and treason.

While some human rights organizations publicize the dire state of human rights in Georgia today, politicians in the West still laud the Shevardnadze regime. Klaus Kinkel, the German Foreign Minister, presented the Georgian President with an amour-plated Mercedes after the August coup attempt (apparently, to be returned if for any reason Shevardnadze ceased to hold office). When diplomats like the OSCE Ambassador to Georgia, Dieter Boden, opine that

Zviadists are no different from Stalinists (without producing evidence of the former's responsibility for 30 million dead) one can only marvel at the West's grasp on reality.

In fact, over the past year a cult of Stalin has quietly evolved in Georgia beginning, in earnest, with the Victory Day celebrations on 9th May, 1995; Shevardnadze visited Gori at this time. He has since attended the opening of a 'scientific centre' devoted to the study of the Stalin phenomenon. Journalists at *Der Spiegel* magazine were shocked when he refused to condemn Stalin during an interview earlier this year. No one, said Shevardnadze, is black or white.

Deals on the construction of an oil pipeline to cross Georgia from Azerbaijan to the Black Sea have produced a wave of optimism about the future of the Georgian economy which, to date, has survived on hand-outs. Of the 500,000 tons of wheat delivered by the US in recent years only approx. 50,000 tons were actually distributed to the population. Half of the Georgian state budget is now covered by EU loans; last year the total amount of foreign aid served only to cover the country's budget deficit.

Conclusion

Despite the shortcomings of the 1995 elections and its dismal human rights record the international community refuses to condemn the Shevardnadze regime. Some small cracks may, however, be appearing. The US Ambassador recently told the Georgian government that it must hold local elections if it is to be in receipt of any more US aid.

Discussions with members of many international organizations based in Tbilisi led our observers to think that although many are fully aware of what is going on they too refrain from wholesale criticism. The final OSCE report on the elections demonstrates this Janus-faced approach: while acknowledging with disapproval the interruption of peaceful demonstrations and opposition election rallies it concludes nevertheless that Georgia has made "tremendous strides forward" in the areas of free assembly and speech!

International monitors now cooperate closely with the authorities where an election takes place. In most of these countries, especially in the FSU, there is every indication that such people will represent the party of power that stands to gain the most in the election in question. This problem appeared starkly in Georgia where local (Georgian) secretaries failed to translate key passages in the Election Law for foreign observers. It was an American with fluent Georgian who picked this up and finalized a proper translation himself.

Foreign MPs delivered their verdict about the conduct of the elections to press and television outside the President's offices. In this way, they appeared as representatives of the Georgian government rather than independent referees. This cannot recommend Western democracy and its representatives to ordinary people who, yet again, will be the losers in a flawed election process.

Appendix: Results

According to the Central Election Commission, 3,120,557 people were entitled to vote. 2,139,369 actually voted in the presidential poll, i.e. a turnout of 68%. 57,289 ballots (2.6% of the total) were annulled. Note that the official figures do not tally.

Shevardnadze	1,589,909 votes	(74.3%)
Patiashvili	414,303	(19.3%)
Bachradze	36,350	(1.6%)
Giorgadze	10,697	(0.4%)
Gharibashvili	10,023	(0.4%)

Liparteliani 7,948 (0.3%)

In the parliamentary elections the official figures for those entitled to vote and actually doing so on 5th November differ from the CEC's data for the presidential poll. 3,054,000 were entitled to vote and 2,088,000 cast ballots.

In the proportional representation part of the poll only 3 parties crossed the 5% threshold: The Union of Citizens of Georgia: 494,990 (23.35%); National Democratic Party: 168,360 (7.94%); Revival: 149,018 (7.3%)

A second round of voting took place on 19th November 1995 for those majoritarian constituencies where the candidate failed to gain over 50% of the poll.

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