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საქართველოს საელჩო ბელგიის სამეფოში,
 ნიდერლანდების სამეფოსა და ლუქსემბურგის დიდ სამხრეთში,
 საქართველოს მისია ევროკავშირთან

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Geo 4/88

The Embassy of Georgia to the Benelux Countries and Mission of Georgia to the European Communities present its compliments to the European Parliament and has the honour to inform that elections of local self-governance – ‘Sakrebulo’ will take place in Georgia in the Autumn 2006. To preserve Democratic Principles of the elections, we’d like to inform all international organizations about the possibility to observe the elections. Please, find attached articles of the Georgian legislation, regulating the registration procedure of Foreign Observers.

The Embassy of Georgia to the Benelux Countries and Mission of Georgia to the European Communities avails itself the opportunity to renew to the European Parliament the assurance of its highest consideration.

Encl.: 3 pages.



Brussels, June 21, 2006

European Parliament
 Brussels

003227611199

Unified election Code of Georgia

Art.68/69/70

Article 68. Domestic and Foreign Observers

1. The right to observe elections shall be provided to those domestic and international observation organizations, which comply with the provisions of this Law, and will pass registration at the CEC or appropriate DEC.
2. A domestic observation organization may be a local union (association) or foundation, registered in accordance with Georgian legislation no later than 2 years prior to election day, the charter or provision of which, at the time of undergoing registration, includes election monitoring and/or protection of human rights and who is registered at the CEC or a relevant DEC for the purpose of observing elections.
3. A domestic observation organization shall implement observation of the elections through its representative - a domestic observer. One organization shall have the right to have no more than one observer at an election precinct simultaneously.
4. A domestic observer of a domestic observation organization may be any citizen of Georgia above the age of 18, except for the following:
 - a) Persons occupying State-political positions;
 - b) Members of the Parliament of Georgia;
 - c) Members of the representative bodies of local self-governance – *sakrebulo*;
 - d) Heads and Deputy Heads of the bodies of local governance;
 - e) Judges;
 - f) Officers of the Ministries of State Security, Internal Affairs and Defence of Georgia, State Departments for State Border Protection and Intelligence Service of Georgia, Special State Guard Service;
 - g) Officials of the Prosecutor's Office;
 - h) Election subjects and their representatives;
 - i) Election commission members.
5. An international observer organization may be a representative of another State, organization registered in another State or an international organization, the founding document of which includes monitoring of elections and/or protection of human rights and which is registered at the CEC for the purpose of observing elections.
6. An international observer organization observes elections by means of the organization's representative – an international observer.
7. An international observer may be accompanied by an interpreter, who undergoes registration at the CEC together with the international observer.

Article 69. Registration of Observation Organizations

1. An international observation organization as well as domestic observation organizations, which implement observation at the elections in more than one election district, shall be registered by the CEC.

003227611199

2. A domestic observation organization which implements observation within one election district shall be registered by the appropriate DEC.
3. To be registered, a domestic observation organization shall apply to the appropriate election commission no later than 30 days prior to Election Day and provide a notarized copy of its charter. The application shall include the name of the election district(s) where the organization will conduct its observation. The election commission will decide on the registration of the organization within 5 days following the acceptance of the application.
4. To be registered an international organization shall apply to the CEC no later than the 7th day prior to Election Day and provide a copy of its constituent document. If the observer (group of observers) represents the authority of another country, he/she shall provide an application and proxy certificate only. The CEC will decide on the registration of the organization, observer (group of observers) mentioned in this paragraph within 2 days following the acceptance of the application.
5. The election commission is not entitled to dismiss the application for registration of the observation organization, if this organization complies with the provisions of this law. The election commission decree on the dismissal of an application for registration shall include the reasons for dismissal of the application and shall be served upon the organization no later than the next day following the making of the decision. The commission ordinance can be appealed in the court within 3 days following its adoption. The court decision shall be made within 3 days.
6. No later than the 2nd day prior to election day the international organization registered with the CEC shall provide to the CEC Secretary the list of observers with their identity details (first name, last name, place of registration) indicating the election districts where they will observe the elections.
7. No later than the 5th day prior to election day, a domestic observation organization registered by CEC shall provide to the CEC Secretary the list of observers appointed to the CEC, and to the DEC Secretary, the list of observers appointed to the district and subordinate PEC. A domestic observation organization registered by the DEC shall in the same period provide to the DEC Secretary the list of observers appointed to the PECs. The list shall indicate the observers' identity (first name, last name, place of registration) and the election district and election precinct(s) where they will observe the elections.
8. The election commission Secretary shall, no later than the 2nd day following the submission of the observers list, register the observers submitted in compliance with this Law and issue to the observation organization the observer's certificate which simultaneously is the badge to be worn by the observer.
9. In the observer certificate should be included:
 - a) The first and last name of the observer;
 - b) Title of the domestic or international organization which presented the observer;
 - c) The name and number of the election district and precinct(s) where the observation shall be implemented.

Article 70. Rights of Observers

1. An observer has the right to:
 - a) Attend and observe election commission sessions;
 - b) Be present in the polling place at any time on election day, move on the precinct territory unrestrictedly and observe all stages of the polling process from any spot of the precinct;

003227611199

- c) Replace, at any time on election day, another registered representative of the organization (in cases where such a representative exists);
- d) Take part in the inspection of ballot boxes, before they are sealed and after they are opened;
- e) Observe registration of voters on the voters' lists, issue of ballot papers and special envelopes and their approval, without disrupting the polling process;
- f) Attend the procedures of counting of votes and of consolidation of results;
- g) Observe the process of voting by means of a mobile ballot box;
- h) Observe the counting of votes in such conditions which ensure visibility of the ballot papers;
- i) Observe the process of the election commission compiling the summary protocol of election results and other documents;
- j) Address the DEC Chairperson with an application/complaint regarding issues related to the procedures of voting and polling, by which he/she demands reaction in case of registering a particular violation;
- k) Request a voter to show how many ballot papers and special envelopes he/she holds;
- l) Make appeals regarding actions of an election commission to a higher level election commission, or court;
- m) Observe the ballot box, inserting of special envelopes into the ballot box, opening of the ballot box, counting of ballot papers and compiling of protocols;
- n) Become familiar with the summary protocols of voting and election results, compiled by election commissions.

2. An observer does not have the right to:

- a) Interfere in the functions and activities of election commissions;
- b) Exert influence upon the free expression of the will of the voters;
- c) Agitate in favour or against an election subject;
- d) Wear symbols or signs of any election subject;
- d) Be without a badge at the polling station on the Election Day.
- e) Violate other requirements of this Law.