

On Measures to Ensure the Conduct of Safe and Peaceful Parliamentary Elections, the Elections of the Supreme Council of Autonomous Republic of Adjara and Preterm/By-Elections of Representative and Executive Bodies of Local Self-Government of October 8, 2016

In order for the Ministry of Internal Affairs of Georgia to ensure the conduct of safe and peaceful parliamentary elections, the elections of the Supreme Council of Autonomous Republic of Adjara and preterm/by-elections of representative and executive bodies of local self-government of October 8, 2016, through proper risk-assessment, prevention of and timely response to offences on the one hand, and to support free environment during the elections on the other hand, on the basis of paragraph 3 of Article 5 of the Law of Georgia “on Police” and subparagraphs “a” and “n” of paragraph 2 of Article 5 of the order №337 of December 13, 2013 of the Government of Georgia “On the Approval of the Statute of the Ministry of Internal Affairs”,

I hereby
ORDER:

Article 1. Measures to ensure the conduct of safe and peaceful parliamentary elections, the elections of the Supreme Council of Autonomous Republic of Adjara and preterm/by-elections of representative and executive bodies of local self-government of October 8, 2016

1. In order to foster safe and peaceful environment during regular parliamentary elections and preterm/by-elections (hereinafter-elections) of representative and executive bodies of local self-government of October 8, 2016, territorial groups responsible for the prevention of and timely response to offences (hereinafter – territorial groups) shall be established on the territories under the jurisdiction of police departments of Autonomous Republic of Adjara, Mtskheta-Mtianeti, Shida Kartli, Kvemo Kartli, Kakheti,

Samtskhe-Javakheti, Imereti, Racha-Lechkhumi and Kvemo Svaneti, Guria, Samegrelo-Zemo Svaneti and Tbilisi, under the Ministry of Internal Affairs of Georgia (hereinafter – the Ministry) no later than September 15, 2016.

1. The territorial group is composed of:

- a) the director of the territorial body of the Ministry;
- b) the head of the relevant territorial division of the Patrol Police Department;
- c) the head of the relevant territorial division of the Central Criminal Police Department;
- d) the head of the relevant territorial division of the Special Task Department;
- e) the head of the relevant territorial division of the LEPL Security Police Department;
- f) the head of the relevant territorial division of the LEPL Emergency Situations Management Agency.

3. The director of the territorial body of the Ministry where the territorial group operates shall be requested the leadership of the territorial group and constant coordination with the Ministry.

4. All operative units of the Ministry (hereinafter police forces) deployed under jurisdiction of the territorial group shall be transferred to the territorial group for the operative management with an exception of Subordinate State Agency of the Ministry of Internal Affairs of Georgia - Border Police of Georgia.

5. In the territory of its jurisdiction the territorial group shall ensure:

- a) Constant evaluation of upcoming threats, their origins and risks and accordingly planning the measures that need to be taken by the police and organizing the implementation in order to promote conducting elections under safe and free environment;
- b) Elaboration of a security plan for the possible presence of the police on a polling day at adjacent territory of the polling stations and in accordance with given plan placement of the police forces near the adjacent territory, so if necessary, the prevention of and response to offences is timely provided.

c) In case of justified request of Precinct Election Commission Chairman – in compliance with paragraph 6 of the Article 59 of the Organic Law of Georgia the “Election Code of Georgia”, safe transportation of the election documentations, including ballots (organizing of escorting and safety measures).

d) To organize timely and effective response to offences occurred during the election in compliance with the Georgian Legislation.

6. The obligations should be imposed on as follows:

a) The heads of operative units of territorial group are obliged to immediately inform relevant head officer of the cases of breach of election legislation or violation of public order during election period.

b) The heads of structural subunits, territorial agencies, Subordinate State Agency under the Ministry – Border Police of Georgia and Legal Entities of Public Law under the Ministry are obliged to familiarize their subordinate employees with Annex №6 of №999 Order of December 31, 2013 of the Minister of Internal Affairs of Georgia on “Approval of Code of Police Ethics of Georgia and Instructions of Conduct of Various Employees of the Ministry of Internal Affairs of Georgia” (“Guiding Instruction of Conduct of Employees of the Ministry of Internal Affairs of Georgia during election period”). ;

c) The persons responsible for human resource management of structural subunits, territorial agencies, Subordinate State Agency under the Ministry – Border Police of Georgia and Legal Entities of Public Law under the Ministry are obliged to prevent reshuffling high level police officials, (deputy head of the division and persons with higher ranks, as well as, their equal officials), from the expiration of the term of registration of electoral subjects until the end of the polling day, from September 8 to October 8, 2016, save for the expiry of the term of their authority and/or in cases when they have violated the law;

d) The police officers are obliged to comply with the principle of political neutrality. The actions of police officer shall not be directly or indirectly addressed to support or oppose any political party.

Article 2. The grounds and conditions for using police measures in adjacent territory of a polling station on a polling day

1. In the exceptional cases provided by paragraph 7 of Article 59 of the Organic Law of Georgia the “Election Code of Georgia”, police forces shall use preventive and response measures in the adjacent territory of a polling station on a polling day only in a case if it is absolutely necessary for the protection of public safety and order.

2. Police forces shall carry out preventive and offense response measures on the adjacent territory of polling station, if:

a) Information on committing offense by a person or a group of people on adjacent territory of polling station is received by the LEPL – 112 of the ministry, or the information is received through direct report to police by the identified source, or through media or other open sources;

b) A police officer personally witnessed the breach of public order on the adjacent territory of polling station, including, noise, aggravation of conflict and other activities, which is gross violation of public order and tranquility of citizens.

3. In case of receiving the information envisaged under the ‘a’ sub-paragraph of paragraph 2 of this Article, before carrying out responsive measures a police officer verifies the validity and reliability of the information by the means available to him/her, including, if necessary contacts/communicates with the commission chairperson.

4. In the cases envisaged under the paragraph 2 of this Article police forces on the territory of their jurisdiction ensure presence of the appropriate number of uniformed police officers on the adjacent territory of polling station.

5. The police officer is not obliged to verify the information envisaged under the paragraph 3 of this Article in case of, if:

a) Police forces are summoned by the commission chairperson in accordance with the paragraph 6 of the Article 59 of the organic law of Georgia ‘Election Code of Georgia’

b) A report is received, that the grave or especially grave crime envisaged under the criminal code of Georgia is committed or might have been committed.

6. In order to protect public security and order at the adjacent territory of the polling station, in compliance with the principle of proportionality, police shall perform preventive and responding measures envisaged under article 18 of the law of Georgia “on Police”. The respective police measures shall serve to achieve legitimate goal, be reasonable, necessary and proportional. Performance of police restraining measures shall not violate the right of a person to participate in elections, unless:

- a) Presence of a person at the adjacent area of the polling station due to his/her actions may lead to blocking of election process;
- b) A person attempts to invade a polling station;
- c) A person creates a conflict in order to provoke wrongdoing.

7. After the performance of measures necessary for suppression of violation of public security or protection thereof, police shall immediately leave the adjacent territory of the polling station.

8. In case of presence of incomplete information or/and suspicious factual circumstances about the violation or the threat of violation of public security and order (including mass gathering or mass movement without a conflict), which supposedly, does not indicate potential direct/immediate threat, however, simultaneously, does not exclude the risk of violation of public security, the police shall not perform restraining measures against a person. On that occasion, police forces shall take additional security measures, including intense patrolling, coverage of risk containing zones within the area of police vision as well as readiness for immediate and efficient response in case of violation of public security.

Article 3. Grounds and Conditions of Performing Police Measures at Polling Station

1. Under the paragraph 6 of the article 59 of the Organic Law of Georgia the “Election Code of Georgia”, upon the request of the chairperson of the Precinct Election Commission (PEC), where the respective protocol shall be filled, the policemen (dressed in service uniforms) shall ensure performance of preventive and response measures to offences at the polling station.

2. Upon the incoming call of Chairperson of PEC and in case of need, for the investigational purposes, police shall record any illegal activity by any means of recording device available that moment (bodycam, mobile device, tablet), except the premises of polling booth and without impeding election process, in accordance with paragraph 24 of article 8 of Organic Law of Georgia “Election Code of Georgia“.
3. Police shall ensure the execution of expulsion of the offender only after special decision of the Chairperson of PEC in accordance with paragraph 4 and paragraph 5 of article 59 of Organic law Georgia the “Election Code of Georgia“.
4. After taking appropriate measures for ensuring public security or suppressing offence and upon agreement with chairperson of PEC, police shall leave the polling station.

Article 4. Conclusive Provisions

1. The following units shall:
 - a) Legal Department of the Ministry – disclosure of the order to respective units of the Ministry
 - b) Administration of the Ministry – Publication of the order and English version of the text on the webpage of the Ministry (info.police.ge)
2. The order shall come into force from the moment of publication on the website of the ministry, and shall be effective until 10 October 2016.
3. Order may be appealed to administrative cases panel of Tbilisi city court in compliance with the rule envisaged by the Georgian legislation, after the elapse of month after its official publication. (Address: Tbilisi, 12th KM N6 Davit Aghmashenebeli Alley)

Minister

Giorgi Mghebrishvili