

Order of the Minister of Internal Affairs of Georgia

08.05.2019

№ 1/213

On Some Measures for Ensuring the Conduction of By-elections and Extraordinary Elections of 19 May 2019 in Free, Safe and Peaceful Environment

In order for the Ministry of Internal Affairs of Georgia to ensure the conduction of by-elections and extraordinary elections of 19 May 2019 in safe and peaceful environment, through proper risk-assessment, prevention of and timely response to violations of law and fostering the conduction of elections in free environment, on the basis of paragraph 3 of Article 5 of the Law of Georgia “on Police” and subparagraphs “a” and “m” of paragraph 2 of Article 5 of the order №337 of 13 December 2013 of the Government of Georgia “On the Approval of the Statute of the Ministry of Internal Affairs of Georgia”,

I hereby ORDER:

1. Measures for fostering the conduction of by-elections and extraordinary elections of 19 May 2019 in free, safe and peaceful environment be approved in accordance with the Annex attached to this Order.
2. The order shall be familiarized to structural subunits, territorial bodies of the Ministry of Internal Affairs of Georgia (hereinafter – the Ministry), legal entities of public law being under the governance of the Ministry and to the state subordinate agencies being under the governance of the Ministry.
3. The heads of the units of the Ministry defined in paragraph 2 of this Order shall ensure the familiarization of this Order to personnel being under their leadership.
4. The Administration (Department) of the Ministry shall ensure the publication of this Order on the web-site of the Ministry (info.police.ge) and after its entry into force, shall ensure the publication of the English text of this Order on the same web-site.
5. The Order is in force upon its publication on the web-site of the Ministry and remains in force including the day of the publication of the concluding protocol of the final results of elections by the respective electoral commission.
6. The Order may be appealed in accordance with the rule established by the legislation of Georgia within the period of one month from its official publication to Administrative Cases Panel of Tbilisi City Court (address: Tbilisi, Aghmashenebeli Lane, 12th km, №6).

Minister

Giorgi Gakharia

Measures for Fostering the Conduction of By-elections and Extraordinary Elections of 19 May 2019 in Free, Safe and Peaceful Environment

Article 1. Groups responsible for the prevention of and response to the violations of law and their functions

1. In order to foster the conduction of by-elections and extraordinary elections of 19 May 2019 (hereinafter - elections) in free, safe and peaceful environment, groups responsible for the prevention of and response to the violations of law (hereinafter – territorial group) shall be established on the territories under the jurisdiction of Police Department of Autonomous Republic of Adjara, Kvemo Kartli Police Department, Kakheti Police Department, Samtskhe-Javakheti Police Department, Imereti, Racha-Lechkhumi and Kvemo Svaneti Police Department, Guria Police Department, Samegrelo-Zemo Svaneti Police Department and Tbilisi Police Department of the Ministry of Internal Affairs of Georgia (hereinafter – the Ministry) no later than 13 May 2019.

2. The territorial group is composed of:

- a) the director of the relevant territorial body of the Ministry;
- b) the head of the relevant territorial division of the Patrol Police Department of the Ministry;
- c) the representative designated by the Director of Central Criminal Police Department of the Ministry;
- d) the head of the relevant territorial division of the Special Tasks Department of the Ministry;
- e) the head of the relevant territorial division of the LEPL Security Police Department being under the governance of the Ministry;
- f) the head of the relevant territorial division of the State Subordinate Agency – Emergency Management Service being under the governance of the Ministry;

3. The director of the territorial body of the Ministry, on the territory of which the territorial group operates, or the person authorized by him/her shall be tasked to lead the territorial group and to maintain a constant coordination with the Ministry.

4. All units of the Ministry (hereinafter - police forces) deployed on the territory being under the jurisdiction of the territorial group shall be transferred to the territorial group for the operational management, except for the subordinate state agencies being under the governance of the Ministry.

5. If required, the leader of a territorial group or the person authorized by him/her shall elaborate a plan of measures for ensuring public order, in order to fulfill tasks envisaged by this Annex.

6. During election period the territorial group, on the territory under its jurisdiction, shall ensure:

- a) Planning the measures and organizing their implementation that need to be conducted by the police forces for revealing the causes of upcoming threats and for constant evaluation of risks, in order to foster the conduction of elections in safe and free environment;

b) In case of justified request of the Chairperson of the District Election Commission, safe transportation (organizing of escorting and safety measures) of election documentation, including election ballots, in accordance with paragraph 6 of the Article 59 of the Organic Law of Georgia – “Election Code of Georgia” (hereinafter – Election Code of Georgia);

c) Organization of timely and effective response to revealed violations of law in accordance with the Legislation of Georgia.

7. Heads of the units of the Ministry constituting a territorial group shall, within their competence, immediately pass the information to their direct superiors on the cases of breach of election legislation and public order during election period.

8. The heads of structural subunits, territorial bodies of the Ministry, the Border Police of Georgia - Subordinate State Agency being under the governance of the Ministry, and legal entities of public law being under the governance of the Ministry shall ensure that their subordinate personnel observe the rules and requirements established by Annex №6 of №999 Order of 31 December 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”).

9. The person responsible for human resource management of structural subunits, territorial bodies of the Ministry, the subordinate state agencies being under the governance of the Ministry, and legal entities of public law being under the governance of the Ministry is obliged not to allow reshuffling of senior officials (deputy head of the division and persons holding higher positions, as well as their equal officials) starting from the expiration of the term of registration of electoral subjects until the end of the polling day, save for the expiry of the term of their authority and/or in cases when they have violated the law.

Article 2. The grounds and conditions for conducting police measures before the polling day

Starting from the entry into force of this Order until the polling day, the territorial group shall ensure on the territory under its jurisdiction the following:

a) Conduction of the relevant measures in order to foster canvassing in peaceful and free environment, including the conduction of preventive police measures prescribed by Articles 19-22, 25 and 26 of the Law of Georgia on “Police”, if there is a sufficient ground to believe, that such a violence or other breach of public safety and legal order may be expected, that would threaten the process of canvassing;

b) Deployment of police forces for the purposes of prevention and operational response to violations of law in cases defined by subparagraph “a” of this Article.

Article 3. The grounds and conditions for conducting police measures at the adjacent territory of a polling station on a polling day

1. If required, a territorial group shall elaborate a security plan for the purposes of deployment of police forces at the adjacent territory of a polling station on a polling day.

2. In the exceptional cases provided by paragraph 7 of Article 59 of the Election Code of Georgia, police forces shall conduct preventive and response to a violation of law measures at the adjacent territory of a polling station on a polling day only if it is absolutely necessary for the suppression of the violation of public safety and for its protection.

3. In cases envisaged by paragraph 2 of this Article, territorial groups shall, on the territory under their jurisdiction, ensure the presence of an appropriate number of police forces' representatives dressed in respective uniforms at the adjacent territory of a polling station.

4. Police forces shall conduct preventive and response to a violation of law measures at the adjacent territory of a polling station, if:

a) Information on committing violation of law by a person or a group of persons at the adjacent territory of a 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 representative of police forces personally witnessed the breach of public safety at the adjacent territory of a polling station, including aggravation of conflict and other activities, which considerably violates public order and tranquility of citizens.

5. In case of receiving a report or other information envisaged by subparagraph “a” of paragraph 4 of this Article, a representative of police forces verifies the validity and reliability of the information by the means available to him/her before conduction of response measures, and, if necessary, communicates with the Chairperson of the District Election Commission.

6. A representative of police forces is not obliged to verify the information envisaged by the paragraph 4 of this Article, in cases if:

a) Police forces are summoned by the Chairperson of the District Election Commission in accordance with paragraph 6 of the Article 59 of the Election Code of Georgia;

b) A report is received, that the grave or especially grave crime envisaged by the Criminal Code of Georgia is committed or might be committed.

7. In order to protect public safety and legal order at the adjacent territory of a polling station, police forces shall conduct preventive and response to a violation of law measures envisaged by the Article 18 of the law of Georgia on “Police”, in compliance with the principle of proportionality. A respective police measure selected by a police officer shall serve to achieve legitimate goal, be reasonable, necessary and proportional. Conduction 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 territory of a polling station, due to his/her actions, may cause blocking of election process;

b) A person attempts to intrude into a polling station;

c) A person creates a conflict in order to provoke wrongdoing.

8. After conduction of the measures necessary for the protection of public safety or for the suppression of violation of law, and, in case of summoning of police forces by the Chairperson of the District Election Commission in accordance with paragraph 6 of the Article 59 of the Election Code of Georgia, upon his/her consent, police forces shall immediately leave the adjacent territory of a polling station.

9. In case if there is incomplete information and/or suspicious factual circumstance (including mass gathering or mass movement without a conflict) about the violation of public safety and legal order or about the expected threat, which mostly does not indicate to a potential direct/immediate threat, but at the same time does not exclude the risk of violation of public safety, police forces do not apply restraining measures against a person. In such case, police forces conduct additional security measures, including intense patrolling, taking the risk zones within the area of police vision, as well as ensuring readiness for immediate response in case of violation of public safety.

Article 4. Grounds and conditions for conducting police measures in a polling station

1. In accordance with paragraph 6 of the Article 59 of the Election Code of Georgia, upon the request of the Chairperson of the District Election Commission, where the respective protocol shall be filled, a representative of police forces, dressed in respective uniform, shall conduct preventive and response to a violation of law measures in a polling station.

2. When summoned by the Chairperson of District Election Commission, representatives of police forces, if required, shall, for the purpose of investigation, through any means of recording device available at that moment (bodycam, mobile device, tablet), record illegal activity in accordance with paragraph 25 of the Article 8 of the Election Code of Georgia, except for polling booths and without impeding election process.

3. Representatives of police forces shall ensure the expulsion of a violator from a polling station only after a respective decision is made by the District Election Commission, in accordance with paragraphs 4 and 5 of the Article 59 of the Election Code of Georgia.

4. After conduction of appropriate measures for ensuring public safety and for suppressing a violation of legal order and upon consent of the Chairperson of District Election Commission, representatives of police forces shall immediately leave a polling station.

Article 5. Grounds and conditions for conducting police measures from the conclusion of voting process until the conclusion of vote counting process

1. From the conclusion of voting process until the conclusion of vote counting process by the District Election Commission, in accordance with paragraphs 6 and 7 of the Article 59 of the Election Code of Georgia, upon the request of the Chairperson of the District Election Commission and/or in case if there is a crowd near the polling station, police forces, dressed in respective uniforms, shall conduct preventive and response to a violation of law measures for the purposes of prevention/suppression of possible violations of law, in accordance with paragraph 7 of the Article 3 of this Annex.

2. Upon conclusion of vote counting process by the District Election Commission (transfer of counted ballot papers from a polling station), representatives of police forces leave the adjacent territory of a polling station after the conduction of appropriate measures for ensuring public safety and for suppressing a violation of law, or, in cases of being summoned by the Chairperson of District Election Commission, – upon his/her consent.

Article 6. Adhering to the principle of neutrality

A police officer (a representative of police forces) is obliged to adhere to the principle of political neutrality during the performance of his/her official duties. It is impermissible, that the activities of a police officer (a representative of police forces) be directly or indirectly applied in favor or against any political party.