STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE
ON THE SECOND ROUND OF GEORGIA’S 2018 PRESIDENTIAL ELECTION

November 29, 2018
Tbilisi

This statement is offered by a delegation of the National Democratic Institute (NDI) that analyzed the second round of Georgia’s presidential election on November 28, 2018. The delegation, which included observers from five countries, was led by Per Eklund, ambassador and former head of the European Union (EU) Delegation to Georgia, Laurie Fulton, former US ambassador to Denmark; Laura Linderman, research fellow, Eurasia Center, Atlantic Council; Marija Babic, independent electoral expert; and Laura Thornton, NDI global associate and senior resident director in Georgia. This statement covers the period from October 29 to November 28 and builds on the findings of four long-term analysts, NDI’s July pre-election assessment mission, as well as NDI’s preliminary statement on the first round, which took place October 28.

The aims of NDI’s election observation mission are to accurately and impartially assess various aspects of the election process, and to offer recommendations to support peaceful, credible elections and public confidence in the process. The delegation recognizes that it is the people of Georgia who will ultimately determine the credibility and legitimacy of their election. The Institute has undertaken its mission in accordance with the Declaration of Principles for International Election Observation and its accompanying Code of Conduct for International Election Observers. The delegation would like to stress that this statement is preliminary in nature. The official results are not yet finalized, and any electoral complaints that may be lodged are yet to be adjudicated. NDI will continue to monitor post-election processes, and will issue further statements if needed.

SUMMARY

The first round of Georgia’s presidential election on October 28 yielded a close result. The top two contenders were within one percentage point of each other and neither cleared the 50 percent threshold, triggering a campaign for a runoff on November 28. Polling officials worked diligently over long hours to fulfil their responsibilities, and voters came prepared and knowledgeable about the process, ready to express their will. This was the highest turnout, 56.23 percent, since 2012. There were sporadic serious incidents of multiple voting and manipulation of the count, both directly observed by NDI monitors. According to preliminary results, Georgian Dream (GD) supported candidate Salome Zourabichvili received 59.54 percent of the vote, and Grigol Vashadze, representing the United National Movement (UNM) from the eleven-party “Power Is in Unity” coalition, received 40.46 percent. These results appear to be confirmed
by the International Society for Fair Elections and Democracy (ISFED) independent parallel vote tabulation (PVT) showing 59.1 percent for Zourabichvili and 40.9 percent for Vashadze.

An election campaign that was predicted in early summer to be calm and uneventful proved instead to be heated and divisive. The period ahead of the runoff was marked by incidents of violence, reports of intimidation, and other practices that violated the spirit, and arguably the letter, of election laws. Campaign rhetoric grew even more aggressive and hostile between the two rounds, with messages of fear and threats of instability. The election lacked constructive debate on ideas, values, or visions for the presidency.

In many ways, the election took on meaning well beyond the choice of the next president. It became a referendum on political leadership, a power struggle over old grievances, and a false choice between doomsday scenarios. Election discourse, fueled by the main media broadcasters, intended to divide voters to extremes, depicting a decision between “nine bloody years of Saakashvili,” a reference to the former Georgian president, or “corrupt, inept rule of a billionaire oligarch,” referring to former prime minister and party chair Bidzina Ivanishvili. This left many Georgians, who dislike either extreme image, feeling politically dispossessed. Leaders from both campaigns acknowledged that the election was negative, divisive, and harmful to Georgian democracy, but largely pointed fingers at each other for blame.

Democratic governance is Georgia’s most precious asset. It has set the country apart from its authoritarian neighbors and made possible the prospects for European and Euro-Atlantic integration. Squandering this asset would have immeasurable costs. It will be critical that Georgia not allow the conduct of this election campaign to define the country’s political life going forward. Heading into the 2020 parliamentary elections, it is this delegation’s hope that Georgians will reject the divisive and harmful practices of this election and work to build a more constructive political environment in which contenders compete on a level playing field and contend on the basis of policy differences relevant to citizens’ interests.

BACKGROUND

The first round of the Georgian presidential election, the country’s final direct election of the president, was marked by both positive and negative features. Voters had multiple electoral choices and the campaign was lively and dynamic, though filled with vitriol and personal attacks. The media environment was diverse and offered a variety of viewpoints, although fractured along partisan lines. Election day largely proceeded in a calm and orderly manner but domestic monitoring organizations described a pre-election environment shaped by reports of intimidation of state officials and mobilization efforts to support Zourabichvili. Most striking about the first round were the aggressive, personalized, and unprecedented attacks by senior state and party officials against the country’s most respected civil society organizations (CSOs) and their leaders. While criticism of CSOs continued after the first round, the rhetoric was less intense.

CEC results showed that independent candidate Zourabichvili won 38.64 percent of the vote and Vashadze won 37.74 percent. Because the 50 percent threshold was not cleared by either candidate, Georgia held a second round of voting between Vashadze and Zourabichvili on November 28.
SECOND ROUND CAMPAIGN

After the conclusion of the first round, GD leaders openly expressed surprise about the narrow margin and told NDI analysts that their runoff strategy would focus on two key components. One was a decision to have the party, under the management of Ivanishvili, more fully take over the campaign of Zourabichvili, assuming responsibility for activities, messages, and strategies. Indeed, GD leaders became the literal face of the Zourabichvili campaign, as many billboards featuring photos of Zourabichvili across the country were replaced with photos of Ivanishvili and other party leaders. Commercials aired that presented senior GD leaders talking about government achievements. Zourabichvili became less visible. Some observers interpreted this initiative as the party’s rebuke of its favored candidate. The full takeover of the campaign and intense investment in the presidential race represented a significant departure from the party’s position in early summer that the election was unimportant and GD would not be involved in order to create opportunities for other political parties and contribute to pluralism.

The second strategy was the decision to adopt messages based on fear of UNM rule. GD leaders explained that this tactic paid off as there was an almost immediate uptick in Zourabichvili’s poll numbers. Nationwide, Georgians heard senior GD leaders on television, in social media, and on advertisements warning that a vote for Vashadze would lead to the pardon and return of former president Mikheil Saakashvili and, in turn, the alleged torture and abuses of the past. They raised the specter of civil war and unrest. Ivanishvili made televised addresses warning of violence and destabilization if people did not choose Zourabichvili. “No to Misha” and “I am defending freedom” campaigns and rallies, organized by unknown groups, also popped up across the country, supporting Zourabichvili’s campaign narrative.

The Vashadze campaign was also characterized by negative rhetoric. As in the first round, the campaign continued to call Zourabichvili a traitor, linking her to Russian interests, and a security threat in television advertisements. The campaign emphasized the need for a competent government to avoid economic catastrophe and explained that the presidency was the first step in dismantling “inept” GD governance. It also promised an increase in pensions, higher teacher and police salaries, and lower mortgage rates, pledges criticized for being both populist and irrelevant to the mandate of the president. Saakashvili loomed large over the campaign, making daily media appearances and statements, including those criticized by leading CSOs as xenophobic and anti-semitic. It should be noted that Saakashvili, who is not a citizen of Georgia, is prohibited from campaigning.

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4 In his video address on November 4, Saakashvili used derogatory language describing South Asian visitors, who live and work in the United Arab Emirates, claiming they are as undesirable as tourists for not bringing much income to the tourist industry. https://civil.ge/archives/263934. On November 8, commenting on Georgian Dream campaign tactics, Saakashvili said: “they have paid more than 1.2 million to some Jewish swindler Moshe to come up with campaign billboards with dreadful faces that they have put up in Tbilisi.” https://civil.ge/archives/266841
Among parliamentary parties, European Georgia (EG), which fielded the third-place candidate David Bakradze in the first round, endorsed Vashadze, while the Alliance of Patriots backed Zourabichvili. The EG decision was met with some resistance from within, and several sakrebulo (local council) members left the party. Some media broadcasters also embraced partisan positions even more overtly than in the first round. On October 30, Imedi TV announced it would change its regular broadcasting schedule to focus on attacking Vashadze’s candidacy and “work to prevent the regime from coming back.” Imedi used its regular talk show, Imedi Live, to warn of the dangers of a Vashadze win and to promote the candidacy of Zourabichvili. Rustavi 2, for its part, continued its pro-UNM editorializing and aired controversial clips of GD male leaders dressed in Zourabichvili’s clothing as a way to poke fun at their billboards and speculated on the private life of the candidate. With the country’s main television broadcasters essentially becoming instruments of the campaigns, citizens’ access to reliable information about the candidates was limited. No debates were held in the second round.

ABUSE OF STATE RESOURCES

Immediately following the first round of the election, government officials and GD leaders made almost daily announcements of state projects and promises of social spending, including additional payments to the socially vulnerable, increased salaries for military service persons and teachers, provision of housing ownership to certain groups, and assistance to veterans, as well as infrastructure and other projects. According to the election code, the implementation of public projects or programs, or increases in welfare benefits, within 60 days of an election is prohibited unless allocated within the state budget prior to the 60-day period. Government leaders maintained that all the announced projects were previously planned, while ISFED suggested that some could qualify as electoral law violations as they were not known prior to the campaign. A Transparency International Georgia (TI) statement called on the government to refrain from announcing large-scale social programs, warning that such “electorally motivated public spending … borders on the use of financial administrative resources for election purposes.”

Days ahead of the November 28 election, the prime minister announced that approximately 600,000 people would have their loans forgiven, with the costs reportedly covered by the Cartu Foundation, established by Ivanishvili. There is a lack of clarity or transparency about aspects of the arrangement, and little is known about the decision process or finances of the foundation. The timing of the announcement, the direct link of the foundation to the chair of GD (and face of

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5 Imedi statement: “The pre-election campaign will be particularly hard before the second round as the choice on one side is the UNM. TV Imedi and its owners know from their own what does it mean when UNM is in power. Therefore, for the pre-election period Imedi TV is changing its broadcasting and we will work to prevent the regime from coming back.” https://imedinews.ge/ge/saqartvelo/83392/imedi-mushabis-sagangebo-rejimze-gadadis
6 Paragraph 5.4 of the 1990 OSCE Copenhagen document requires “a clear separation between the State and political parties; in particular, political parties will not be merged with the State.”
7 Article 49, paragraph 3 and 4 of the Election Code of Georgia.
8 Programs announced by the authorities ahead of the runoff election amount to abuse of administrative resources. ISFED, November 9, 2018, http://www.isfed.ge/main/1441/eng/
9 Statement of Transparency International: The government must refrain from announcing large-scale social programs during the period leading up to the second round of elections, November 8, 2018, https://www.transparency.ge/en/post/government-must-refrain-announcing-large-scale-social-programs-during-period-leading-second
Zourabichvili’s campaign), and the involvement of the prime minister, led TI, ISFED, the Georgian Young Lawyers Association (GYLA), and other observers to state that the electoral purposes of the announcement were clear and thus represented an unprecedented case of vote buying under criminal code article 164.\(^{10}\) The prosecutor’s office launched an investigation.

GD leaders reported to the mission that the government had discussed addressing loan forgiveness in the spring, although CSOs pointed out that no specific plan or financing mechanism had ever been articulated until the campaign. Senior GD representatives explained they needed to announce the plan during the campaign to respond to Vashadze’s reference to loan forgiveness as an unfulfilled government promise. Contradictorily, Ivanishvili publicly stated that there was “no connection” to the election. Whether determined to be a criminal act or not, most domestic and international observers with whom the NDI delegation met agreed that an intent to influence voters appeared evident and the announcement raised significant questions about the blurring of lines between campaign, state, and private resources.

TI, ISFED, and GYLA also reported that a whistleblower had come forward claiming that the government body responsible for the civil registry was producing fake ID cards for the purposes of voting in certain districts. CSOs came under criticism by the government for not disclosing their source or sufficient evidence to enable further investigation. In addition, a total of 9,781 new voters, including approximately 3,000 who had turned 18, were added to the voters list between the first and second election rounds, an unusual increase according to CSOs, as well as the CEC chair, who said it was 3,500 more names than average. This has further contributed to speculation and distrust in electoral integrity.

**CAMPAIGN FINANCE**

Access to campaign funding was significantly uneven, with Zourabichvili receiving 75 percent of donations, according to the State Audit Office (SAO). The campaign also benefited from the “no to Misha,” “I am defending freedom,” and other anti-UNM initiatives that openly called for the electoral defeat of Vashadze through rallies, billboards, social media posts, and over 30 offices of activists. These movements are not legally-registered entities and SAO officials reported they did not know the identity of most of the donors. According to the SAO, the activities represented donations to the Zourabichvili campaign and the recipient must declare them as contributions if the campaign was aware of and coordinating with the movements. The SAO acknowledged that such proof of coordination was difficult to establish. The campaign did report the billboards as in-kind donations, worth 300,000 GEL, but the other contributions, such as offices, activists, and rallies, have not been reported yet. In addition to GD support, Zourabichvili also benefited from the rallies of the Alliance of Patriots (AoP), which is prohibited by law.\(^{11}\) The SAO reported that the AoP had already been penalized 30,000 GEL for illegal donations.

\(^{10}\) “For election purposes offering, promising, handing over or rendering directly or indirectly money, securities (including financial instruments), other property, title in property, services or any other advantage, or knowing accepting such offering, or entering into fraudulent, sham, or other transactions to avoid statutory restrictions” is an offense punished by up to three years prison or a fine.

\(^{11}\) Article 26, paragraph 1 (c) of the Organic Law of Georgia on Political Unions of Citizens prohibits parties from donating to another party.
CSOs complained that the slow response of the SAO to their submitted complaints had limited the body’s deterrent effect. The SAO officials acknowledged that their investigations took time and explained that they faced obstacles. While the office launched 576 investigations of problematic individual campaign donations, for example, there was no legal obligation for people to appear for questioning, preventing the SAO from filing cases to the courts. SAO officials reported to the delegation that they plan to propose changes to the law to strengthen their efficacy.

VIOLENCE AND INTIMIDATION

Violence against “Strength Is in Unity” coalition representatives began shortly after the first round. GYLA reported nine incidents. The Ministry of Internal Affairs (MIA) stated that 22 people were charged with violent crimes. The most serious incident was the October 30 beating in Akhalkalaki of four UNM activists, who were hospitalized with serious injuries for several days. The MIA launched an investigation of the attacks, initially on the charge of hooliganism, although later criminal charges of violence were brought against five GD activists. Also in Akhalkalaki, on November 7, a UNM activist was attacked, a case that came under speculation about intimidation when the victim, after initially describing the attack by masked men, later claimed that he fell down when interviewed as part of the MIA’s investigation. The UNM ascribed responsibility for the Akhalkalaki violence to Enzel Mkoyan - a majoritarian GD MP - an allegation denied by the ruling party. Responding to the incidents, Parliamentary Speaker Irakli Kobakhidze blamed UNM for the “provocations.”

Another attack took place in Kaspi on October 29 in which an opposition party representative at a precinct election commission was beaten, allegedly by two GD supporters, according to reports filed. On November 22, the campaign manager for Vashadze in Oni District was stabbed outside his home and hospitalized with serious injuries. Opposition representatives asserted that the attacker was a GD activist and the violence was election-related. The MIA launched an investigation but maintained there was no evidence that it was politically-motivated but rather a drunken dispute. Regardless of motive, such acts could exacerbate an already heated campaign environment. Opposition leaders reported that the incidents have stirred fear among their supporters. While there was disagreement between government representatives and opposition about whether electoral violence was decreasing or on the rise, any act of violence has no place in an election and if inadequately addressed, threatens to send a message of impunity to future perpetrators.

Zourabichvili publicly reported that she and her family had received threats of violence against them via voice and text messages, and identified the perpetrators as former military servicemen with links to UNM. The MIA opened an investigation.

Reports of intimidation of state employees to vote for Zourabichvili, or not to vote, were widespread ahead of the runoff, including first-hand accounts from family members of NDI staff. ISFED reported more than 40 cases of intimidation, an increase from the first round campaign period. ISFED, GYLA, TI, and Public Movement Multinational Georgia (PMMG) also described new forms of intimidation, including in the private sector with management pressure on
employees to support Zourabichvili. Government leaders deny such intimidation occurs and have pressed these groups to reveal their sources and provide more evidence so they could investigate. CSOs have explained that whistleblowers are afraid to come forward, concerned about potential retaliation and lacking confidence that the government’s law enforcement, investigative, and judicial proceedings would be impartial. The MIA stated that it had used “all its means” to investigate cases but ultimately lacked adequate information and evidence to bring charges. It is difficult for this delegation to establish the scale of intimidation, but the extensiveness and consistency of the allegations from multiple sources, and credibility of cases reported to NDI directly, indicate serious action is needed to eliminate this problem from future elections.

ELECTION ADMINISTRATION

On November 14, the CEC finalized results from the first round of the presidential elections and announced the date of the runoff election to be Wednesday, November 28. The date selected became a heated political controversy for multiple reasons. First, there had never been a presidential runoff, presenting un-chartered legal territory for date selection, with numerous conflicting provisions in the law. Several parties and observers questioned the CEC’s interpretation that the 28th was the only legal option, arguing that weekend options were also viable. Second, while the election day was declared a public holiday in Georgia, opposition parties as well as GYLA, ISFED, and TI\(^{12}\) raised concerns that it would be difficult for Georgians living abroad to participate on a weekday. Further, a day might not be sufficient for some voters in Georgia to travel to their place of registration. Observer groups reported that some of their monitors dropped out because they could not take the day off, as many private companies failed to provide a holiday. Third, GD leaders had announced the election date of November 28 prior to the CEC declaration,\(^{13}\) raising the impression, according to CSOs and opposition parties, of political influence on the CEC’s decision. Courts rejected complaints related to the selected date.

Election administrators proceeded with preparations for the second round in a timely and efficient manner in accordance with the law, including providing refresher training for precinct-level commissioners and regularly publishing decisions and updates on its activities on its website.

In a welcome step, a few days prior to the runoff, the office of the prime minister established a forum for observer groups to raise their electoral concerns to the government at the highest level for redress. The prime minister stated his intention to continue the platform after the election in order to discuss possible reforms and build confidence in the electoral process going forward. The need for the alternative forum emerged after the leading domestic observer groups boycotted the Inter-Agency Commission for Free and Fair Elections (IACFF), citing the lack of a conducive environment for constructive dialogue and resolution.

ELECTION DAY

\(^{13}\) “Presidential Run off Slated for November 28,” Civil.ge, November 14, 2018, \textit{https://civil.ge/archives/265707}\n
NDI observers visited a limited number of polling stations on election day following opening, voting, closing, and counting procedures in multiple locations throughout the country. Election day proceeded in a generally calm and peaceful environment, although, at least seven cases of violence are under investigation by the MIA. Preliminary voter turnout was 56.23% which was significantly higher than the first round. Overall, voters demonstrated a strong understanding of the voting process. In addition, a large number of observers as well as representatives of candidates and media organizations were accredited for the election, contributing to the overall transparency of the process.

Prominent domestic observer groups generally positively assessed the election day voting procedures in the vast majority of precincts. However, they also reported serious violations with the potential to impact the result in select polling stations, such as instances of vote-buying, attempted ballot box stuffing, and multiple voting. NDI observers also witnessed group and proxy voting, as well as one case in which several individuals entered a precinct election commission (PEC) with ballots, and, without verification of their identity or appearance on the voters list, cast votes, and exited the PEC with ballots. NDI also observed instances of voters with traces of ink permitted to vote, queue controllers failing to properly check voters for ink, and PEC members failing to properly ink voters.

Both domestic observers and NDI reported the presence of party and electoral subject coordinators outside polling stations with copies of voters lists or simply gathered in large groups in the vicinity of PECs. While this practice is common during elections in Georgia and is not illegal, domestic observer groups expressed concern about the potential influence on the will of voters. Observer groups also noted cases in which their monitors were denied access to the PECs or had their rights to monitor limited. In some instances, PEC officials refused to register observer complaints, and observers were threatened and intimidated by election officials and other persons present at the PEC.

Domestic groups noted that in the majority of precincts, the counting process went smoothly and according to the procedures, with only minor violations. In one case, NDI observers witnessed and recorded clear attempts to manipulate the count, with PEC officials bundling only seven or eight ballots as a group of 10 for Zourabichvili to inflate her count. Following the count, violent incidents were reported in some locations, namely Marneuli and Lagodekhi. According to ISFED’s PVT, Zourabichvili received 59.1 percent of the vote and Vashadze 40.9 percent. The results verify those released by the CEC.

RECOMMENDATIONS

The legislative framework is generally in line with international standards and conducive to the conduct of democratic elections. Several recommendations put forward by observer missions,

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14 ISFED: http://www.isfed.ge/main/1456/eng/
16 The MIA launched investigations into 9 instances of alleged attempted multiple voting in Kvemo-Kartli.
including NDI, in previous elections have been considered. More can be done, however, to further improve elections in Georgia.

Two of the most significant long standing challenges in Georgian elections -- intimidation and abuse of state resources -- are difficult to quantify and address. Victims of intimidation are frequently reluctant to come forward, so evidence is hard to gather. Furthermore, people lack confidence that investigations will be impartial or fair. In a country where almost half of employed people are working for the state, the opportunities and incentives for influencing voting behaviors are widespread. This problem will require a significant, proactive commitment from the government to more clearly define distinctions between governance and campaigning, and to invest in education of its employees at all levels. It will also involve the more difficult process of building trust in investigative and judicial neutrality through ongoing reforms.

In its preliminary statement on October 29, NDI put forward several long term recommendations to increase public trust and confidence in Georgia’s electoral process. They all remain relevant. In addition, the NDI delegation respectfully offers the following immediate recommendations:

- The election administration should thoroughly investigate the critical violations during voting and the count.
- Reported incidents of violence should be thoroughly and expeditiously investigated, and perpetrators brought to justice in a timely fashion, to send a strong and unequivocal message of zero tolerance.

Ahead of the 2020 parliamentary elections:

- Parties should develop constructive, issue-based platforms to inspire voter confidence and rebuild faith in democratic processes;
- To address polarization and distrust, the government should consider developing a format for dialogue and reconciliation between state bodies, civil society organizations, and political parties, with an aim to improve political and electoral processes;
- In addition to the electoral code changes recommended to parliament in NDI’s October statement and previous election reports, including addressing the imbalanced composition of the election administration, amendments should be made to clarify election dates and runoff rules to avoid confusion and perceptions of political interference;
- To address the polarization of the media landscape, efforts should be made to change the incentive structures and invest in improved journalistic practices. International donors should consider increased support for regional media and independent broadcasters;
- Parliament should enhance whistleblower protection to encourage victims of intimidation to come forward. Improved cooperation between law enforcement and observer groups ahead of the 2020 elections on this issue is encouraged;
- Parliament should collaborate with the SAO to draft legislative changes and allocate sufficient financial resources to improve the efficacy of its work, better define contribution regulations, in which donors who are not affiliated with parties or electoral subjects are held accountable for their contributions, and empower the body with sufficient authority to conduct investigations, including penalties for non compliance;
- CEC should continue to improve recruitment and training of PEC officials.
THE DELEGATION AND ITS WORK

The NDI delegation arrived in Tbilisi on November 26 and held meetings with national political figures, candidates, election officials, senior government officials, representatives of civil-society organizations, and the diplomatic community. The delegation consulted with non-partisan citizen election organizations such as ISFED, GYLA, Transparency International, and Public Movement – Multinational Georgia (PMMG). On November 27, NDI deployed six observer teams to five regions of Georgia. On election day, NDI observed the opening, voting, and counting processes in polling stations around the country. The delegation is grateful for the cooperation it has received from voters, election officials, candidates, political party representatives, domestic election observers, and other civic activists.

The NDI delegation included:

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Holly Donaldson, United States  
Per Eklund, Sweden  
Katherine Feenan, Canada  
Laurie Fulton, United States  
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Laura Linderman, United States  
Iaryna Odynak, Ukraine  
Natasha Rothchild, United States  
Sarah Waterson, United States  
Oleksandr Zheka, Ukraine

The team of four long-term analysts have since September 17 visited 38 districts in nine regions of Georgia as well as the capital, Tbilisi, meeting with government and election officials, candidates and political party representatives, CSOs, media representatives, and international and diplomatic missions. NDI has observed campaign events, the training of election officials, as well as sessions of the CEC, the IACFF, and the GNCC. NDI will continue to observe developments after the election.

NDI wishes to express its appreciation to the United States Agency for International Development (USAID), which has funded the work of the delegation. In addition to the international observation activities, NDI supported election monitoring efforts of ISFED, GYLA, and PMMG. NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide. NDI has observed more than 200 elections in every region in the world, including numerous assessments in Georgia since 1992.

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