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# Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia

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# INTRODUCTION

Georgian Young Lawyers' Association (GYLA) started the implementation of the project - "Free, Fair and Equal Election Political Cycle 2019-2022" throughout the country in August 2019. One of the goals of the project is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. We present the №24 bulletin, which describes the events of September that affected the political environment.

## I. GEORGIAN DREAM REFUSES EU MACRO-FINANCIAL ASSISTANCE

Georgia's refusal of EU macro-financial assistance has been criticized by Georgia's international partners. The US Ambassador to Georgia, Kelly Degnan, noted that the ruling party's decision was surprising, given the country's difficult social and economic background.<sup>1</sup> According to her, the American legislators would take into account the statement of the Georgian Dream that they do not need to receive 75 million euros.<sup>2</sup>

Critical statements were also made by MEPs.<sup>3</sup> Responding to their statements, the Prime Minister, Irakli Gharibashvili, declared that a Member of the European Parliament was not his boss.<sup>4</sup> In his view, if they wanted to actually clarify the circumstances of the case, they should have behaved in this way and refrained from making superficial statements.<sup>5</sup> The European Parliament member Viola von Cramon responded to Gharibashvili's statement with the phrase "a very tempting career perspective".<sup>6</sup>

The main opposition political parties have sent a joint letter to the leaders of the European Union and NATO.<sup>7</sup> In the statement, they called the aspiration of the Georgian Dream to Europe a "facade," which aimed to deceive the Georgian people.<sup>8</sup> According to the letter, the ruling party continued to follow a dangerous trajectory by abandoning the April 19 agreement and refusing the assistance.<sup>9</sup> That is why it was important to use legitimate leverage and influence by international partners to stop this threat.<sup>10</sup> The ruling party would have to hold early elections if it failed to win 43% of the vote in the October municipal elections.<sup>11</sup> Opposition parties, for their part, said they would do their best to protect the citizens' votes in the local elections.<sup>12</sup>

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<sup>1</sup> Kelly Degnan on EU loan refusal and signing agreement by UNM, Information portal „Civil.ge”, September 3, 2021, accessible: <https://civil.ge/ka/archives/438582>, updated: 19.10.2021.

<sup>2</sup> Ibid.

<sup>3</sup> Nanuka Kruashvili, Newsletter N23, August, Georgian Young Lawyers' Association Website, pp. 4-5, accessible: [https://gyla.ge/files/2020/23\\_geo.pdf](https://gyla.ge/files/2020/23_geo.pdf), updated: 19.10.2021.

<sup>4</sup> "Irakli Gharibashvili: A MEP is not my boss", Information portal „Civil.ge”, September 1, 2021, accessible: <https://civil.ge/ka/archives/438083>, updated: 19.10.2021.

<sup>5</sup> Ibid.

<sup>6</sup> Viola von Cramon, Twitter post, September 1, 2021, 1:39 PM, accessible: <https://twitter.com/ViolavonCramon>, updated: 19.10.2021.

<sup>7</sup> The letter is signed by: United National Movement, Girchi - More Freedom, European Georgia, It's Time, Strategy Aghmashenebeli, Republican Party of Georgia, Lelo for Georgia, Free Democrats, Christian Democrats, European Democrats, National Democratic Party, Movement State for People, Civic Alliance for Freedom, Law and Justice, and Taniel Nakaidze, Independent Member of Parliament. See "Opposition parties appeal to EU and NATO", Information portal Radio Tavisupleba, September 2, 2021, accessible: <https://www.radiotavisupleba.ge/a/31440137.html>, updated: 19.10.2021.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

## II. THE JOINING OF THE UNITED NATIONAL MOVEMENT TO THE APRIL 19 AGREEMENT

On September 2, the United National Movement signed the April 19 agreement.<sup>13</sup> The party made the decision after the Georgian Dream refused EU macro-financial assistance. Nika Melia, the leader of the United National Movement, declared that with that step the ruling party had changed its foreign policy and refused to join the European Union.<sup>14</sup>

The Prime Minister, Irakli Gharibashvili, called the party's decision a "political fraud" and said that the Georgian Dream was fulfilling its obligations under the agreement, despite the fact that it was a unilateral document, as the main opposition party, the United National Movement, did not sign it.<sup>15</sup> According to him, the ruling party was ready to continue the reforms as transparently as possible.<sup>16</sup>

Representatives of the opposition parties assessed the party's move as largely positive.<sup>17</sup> Salome Samadashvili, a former member of the United National Movement and an independent MP, said it was a belated but correct decision.<sup>18</sup> According to her, it was important that the Georgian Dream was not given an excuse to accuse the opposition of violating the agreement.<sup>19</sup> The Lelo leader Badri Japaridze said the decision would help consolidate the opposition around the deal.<sup>20</sup> The chairperson of European Georgia, Giga Bokeria, noted that it was a mistake to concentrate on the decision of the National Movement, as it was important to demonstrate peaceful force in the upcoming elections.<sup>21</sup>

The US ambassador, Kelly Degnan, and the EU ambassador, Carl Hartzell, called the UNM's decision a "right step".<sup>22</sup> According to the latter, it was never too late to sign or return to an important guide to democratic reforms.<sup>23</sup>

Jim Risch, a ranking Republican member of the Senate Foreign Relations Committee, commented on the developments.<sup>24</sup> He called the party's move too late.<sup>25</sup> According to him, the National Movement refused to sign the agreement and encouraged the ruling party to leave the document.<sup>26</sup>

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<sup>13</sup> "The National Movement signed the April 19 agreement", Information portal „Formula News“, September 2, 2021, accessible: <https://formulanews.ge/News>, updated: 19.10.2021.

<sup>14</sup> "The National Movement joins the April 19 agreement", Information portal „Civil.ge“, September 1, 2021, accessible: <https://civil.ge/ka/archives/438197>, updated: 19.10.2021.

<sup>15</sup> "Politicians assess the signing of the April 19 agreement by the UNM", Information portal „Civil.ge“, September 3, 2021, accessible: <https://civil.ge/ka/archives/438567>, updated: 19.10.2021.

<sup>16</sup> "Irakli Gharibashvili - we have fulfilled all our obligations - some obligations remain, however, we will fulfill them as well", Information portal Interpressnews, September 2, 2021, accessible: <https://www.netssnews.ge/ka/article>, updated: 19.10.2021.

<sup>17</sup> "Politicians assess the signing of the April 19 agreement by the UNM", Information portal „Civil.ge“.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> "Badri Japaridze – "it is a good step on the part of the National Movement to join the agreement, and the demarche of the Dream cannot cancel the agreement, its strength is recognized by the EU and the US," Information portal Interpressnews, September 2, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>21</sup> "Politicians assess the signing of the April 19 agreement by the UNM", Information portal „Civil.ge“.

<sup>22</sup> Kelly Degnan on EU loan refusal and UNM signing agreement, Information portal „Civil.ge“, September 3, 2021, accessible: <https://civil.ge/ka/archives/438582>, updated: 19.10.2021; "Carl Hartzell - Today, the National Movement signed the agreement, 147 out of 150 members of parliament supported it - the signing is never too late and it may not be too late to return to this guide", Information portal Interpressnews, September 2, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>23</sup> Ibid.

<sup>24</sup> "Jim Risch - It's good that the United National Movement has finally seen the benefits of the April 19 agreement, but that gesture is too small and too late", Information portal Interpressnews, September 2, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

### III. MIKHEIL SAAKASHVILI ANNOUNCES HIS RETURN TO GEORGIA

On September 27, Georgia's third president, Mikheil Saakashvili, announced his arrival in Georgia for the October 2 elections, despite being convicted of several cases and facing imprisonment if he returned to the country.<sup>27</sup> The Prime Minister, Irakli Gharibashvili, accused the former president of trying to "destabilize" and "create chaos".<sup>28</sup> He also noted that law enforcers would arrest Mikheil Saakashvili as soon as he entered the country.<sup>29</sup>

The decision of the third president of the country was evaluated by the representatives of the opposition parties. Tamar Charkviani, a member of the Law and Justice Party, has formed a group of supporters for the former president to return peacefully to the country, which she says has attracted up to 100,000 people.<sup>30</sup> According to Giga Bokeria, the leader of European Georgia, it did not matter whether Mikheil Saakashvili would arrive in Georgia or not, as the main task was to "defeat the Ivanishvili regime" by using the October 2 elections.<sup>31</sup> Ana Dolidze, leader of the People's Party, said the former president's statements helped the ruling party to mobilize votes.<sup>32</sup> She also said that Saakashvili's arrival in Georgia should have been the subject of a legal assessment.<sup>33</sup>

Mikheil Saakashvili's statement was followed by an international response. US Ambassador Kelly Dignan said Georgia needed a calm and peaceful environment, not political instability and violence.<sup>34</sup> According to Marketa Gregorova, a Member of the European Parliament, Saakashvili's return on election day would be a source of conflict.<sup>35</sup> And elections required a peaceful environment free from political games.<sup>36</sup> MEP Viola von Cramon criticized the former president's decision, saying that his arrival would not serve Georgia's interests.<sup>37</sup> In addition, the EU lacked the resources and willingness to play the role of mediator in another unnecessary crisis.<sup>38</sup> She said this position was shared by her colleagues in Parliament and other EU institutions.<sup>39</sup>

Mikheil Saakashvili called the statement of the European Parliament member regarding his restraint on returning to his homeland immoral.<sup>40</sup> He also said he was not going to appear physically until the voting was over.<sup>41</sup>

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<sup>27</sup> "Mikheil Saakashvili has published a return ticket to Georgia", Information portal „Civil.ge”, September 28, 2021, accessible: <https://civil.ge/ka/archives/443106>, updated: 19.10.2021.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> "The opposition evaluates Mikheil Saakashvili's statement on his return to Georgia", Information portal „Civil.ge”, September 29, 2021, accessible: <https://civil.ge/ka/archives/443393>, updated: 19.10.2021.

<sup>31</sup> "Giga Bokeria – whether Saakashvili's arrives or not, it does not change the task of the society to defeat Ivanishvili's regime and get closer to the historic mission", Information portal Interpressnews, September 28, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>32</sup> "Ana Dolidze - Saakashvili's statements help the Georgian Dream to mobilize votes", Information portal Interpressnews, September 29, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>33</sup> Ibid.

<sup>34</sup> "Kelly Dignan on the arrival of Mikheil Saakashvili - what Georgia needs is a calm, peaceful environment and not political instability and violence", Information portal Interpressnews, September 30, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>35</sup> "Marketeta Gregorova - If I had been Saakashvili's adviser, I would definitely have told him to come at any other time when they do not expect him, if he really wants to help the country", Information portal Interpressnews, September 17, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>36</sup> Ibid.

<sup>37</sup> "On Mr. Saakashvili's intended return to Georgia", Viola von Cramon's website, September 29, 2021, accessible: <https://violavoncramon.eu/neuigkeiten>, updated: 19.10.2021.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> "Mikheil Saakashvili responds to Viola von Cramon - at least it is immoral to call on anyone not to return to his country", Information portal „1tv.ge“, September 29, 2021, accessible: <https://1tv.ge/news/mikheil-saakashvili>, updated: 19.10.2021.

<sup>41</sup> Ibid.

## IV. THE PROCESS OF AMENDING THE CONSTITUTION UNDER THE APRIL 19 AGREEMENT

On September 7, the Parliament voted in favor of the constitutional amendments in the first reading with 126 votes.<sup>42</sup> The draft constitutional amendments, under the April 19 agreement, address three key issues: (1) lowering the threshold to 2% for the next two parliamentary elections; (2) reducing the number to 4 instead of 7 MPs to form a parliamentary faction; (3) the Prosecutor General is elected by a qualified majority of Parliament. In case they could not be elected, according to the bill, the support of 76 deputies would be enough.<sup>43</sup> Parliament voted on the first two topics without any changes and adopted them.<sup>44</sup> As for the third topic, according to the chairperson of the ruling party, Irakli Kobakhidze, it was removed from the voting agenda because the proposed change reduced the degree of independence of the institution, and the opposition could not provide convincing arguments for its acceptance.<sup>45</sup>

The decision of the Georgian Dream to remove the third topic from the agenda was followed by critical responses. Khatia Dekanoidze, one of the leaders of the United National Movement, said that the removal of the record on the election of a prosecutor by the ruling party indicated that Georgia was deviating from the Euro-Atlantic course on a daily basis.<sup>46</sup> A similar statement was made by the chairperson of European Georgia, Giga Bokeria.<sup>47</sup> He said the ruling party had taken the step to demonstrate force and maintain power, thus threatening the country's democratic development.<sup>48</sup>

The move of the ruling party was also negatively assessed by the ambassadors of the European Union and the United States. Carl Hartzel expressed concern that the Georgian Dream did not support its commitment to judicial reform.<sup>49</sup> He reminded the ruling party that on July 28, after withdrawing from the April 19 agreement, it had publicly made a renewed commitment to judicial reform and the adoption of constitutional amendments.<sup>50</sup> He also said that the appointments to the positions made over the last two years did not comply with the OSCE/ODIHR recommendations. They assessed the process as lacking in good faith, objectivity, and credibility.<sup>51</sup> He said the EU was ready to support Georgia in reforms but that assistance would still depend on the progress made on key reforms.<sup>52</sup>

According to the US Ambassador to Georgia, Kelly Degnan, the proposed change in the election of the Prosecutor General was supported by the Venice Commission, international experts, and political parties operating in Georgia, including the Georgian Dream.<sup>53</sup> In her view, the ruling party has committed itself to judicial reform, and by removing this topic, another opportunity to create an independent judiciary has been missed.<sup>54</sup>

Irakli Kobakhidze, the chairperson of the Georgian Dream, stressed that diplomats did not have full information in response to the ambassadors' statements, noting that they needed proper advice because the ambassadors

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<sup>42</sup> "With 126 votes, the Parliament, in the first reading, supported the constitutional amendments", the website of the Parliament of Georgia, September 7, 2021, accessible: <https://parliament.ge/media/news>, updated: 19.10.2021.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> "Khatia Dekanoidze - With the election of a prosecutor, the failure of the rule of law has once again proved that Georgia goes beyond Western aspirations", Information portal Interpressnews, September 8, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>47</sup> "Giga Bokeria - The unfulfilled obligations of the Georgian Dream further distances Georgia from the Euro-Atlantic space," Information portal Interpressnews, September 8, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>48</sup> Ibid.

<sup>49</sup> "Carl Hartzel - The European Union is concerned that today the ruling party has not endorsed another commitment to judicial reform", Information portal Interpressnews, September 7, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> "The US Embassy - a constitutional amendment aimed at widespread support for the appointment of the Chief Prosecutor is another missed opportunity for Georgia to have an independent judiciary", Information portal Interpressnews, September 7, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>54</sup> Ibid.



themselves could not analyze the legal norms.<sup>55</sup> According to Irakli Kobakhidze, if the qualified majority was not reached according to the proposed amendment, the prosecutor elected for several months would be in a politically unfavorable situation.<sup>56</sup>

In addition, members of the ruling party also talked about changing other parts of the bill. One of the party's leaders, Shalva Papuashvili, said talks were underway to change the entry in the draft constitutional amendment to a 2% threshold.<sup>57</sup> He said the introduction of a 3% threshold greatly increased the range of parties.<sup>58</sup> Givi Mikanadze, a member of the party, made a similar statement about changing the election threshold.<sup>59</sup> He noted that the issue was still being discussed in the team.<sup>60</sup>

**First of all, GYLA welcomes the process of reviewing the constitutional amendments under the April 19 agreement, in particular, lowering the threshold to 2% in the next two parliamentary elections. It is important that this news be approved unchanged by the legislature at the next parliamentary hearings. At the same time, according to GYLA, the withdrawal of the Georgian Dream from the draft law on the election of the Prosecutor General is a gross violation of the April 19 agreement and the consensus reached between the political parties. The election of the Attorney General by a qualified majority would have significantly increased the chances of a person being appointed to a position enjoying broad political consensus as well as high public confidence. Appointing a person in this way was one of the most important aspects of achieving parliamentary pluralism. According to the organization, “the ruling team has rejected this change, which is dictated by the desire to maintain political control over the judiciary system”.<sup>61</sup>**

## V. ADOPTION OF THE LAW ON AMNESTY IN CONNECTION WITH THE EVENTS OF JUNE 19-21

On September 7, the parliament approved the draft law on amnesty related to the events of June 19-21 in the third reading.<sup>62</sup> The draft law, the obligation to adopt of which was part of the April 19 agreement, was prepared by the Georgian Dream faction.<sup>63</sup> The draft exempts from punishment and probation all those who committed crimes in connection with the events of June 19-21 and did not refuse amnesty.<sup>64</sup>

Kakha Kaladze, one of the members of the ruling party, when asked whether the amnesty bill was related to the chairperson of the United National Movement, said that it was Nika Melia's decision.<sup>65</sup> He said that the April 19 agreement was annulled for the ruling party but that the Georgian Dream nevertheless took its word for it and carried out the reforms it had announced.<sup>66</sup>

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<sup>55</sup> “The Georgian Dream: EU, and US Ambassadors need “Right Advisers”, Information portal „Civil.ge”, September 8, 2021, accessible: <https://civil.ge/ka/archives/439645>, updated: 19.10.2021.

<sup>56</sup> Ibid.

<sup>57</sup> “Shalva Papuashvili does not rule out that the existing record in the draft constitutional amendments regarding the 2% threshold will be changed”, Information portal Interpressnews, September 8, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>58</sup> Ibid.

<sup>59</sup> “Givi Mikanadze - we will form a common position in the team for the second hearing - now we are discussing whether the 2% threshold will be maintained or not”, Information portal Interpressnews, September 9, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>60</sup> Ibid.

<sup>61</sup> “The rejection of the new rule for the appointment of the Prosecutor General is a missed opportunity to reform the justice system”, Georgian Young Lawyers' Association Website, September 8, 2021, accessible: <https://gyla.ge/ge/post/generaluri-prokuroris>, updated: 19.10.2021.

<sup>62</sup> “Parliament passed the draft law on amnesty in the third reading”, website of the Parliament of Georgia, September 7, 2021, accessible: <https://parliament.ge/media/news>, updated: 19.10.2021.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> “Kakha Kaladze - it is up to Nika Melia to decide whether to apply for the amnesty”, Information portal Interpressnews, September 9, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>66</sup> Ibid.

## VI. CEC RESOLUTION ON THE NUMBER OF CANDIDATES IN THE PARTY LIST

According to the Election Code, the number of candidates for Sakrebulo membership in the submitted party list should not be less than the number of members elected by the proportional system and should not exceed three times this number.<sup>67</sup> The CEC, on September 7, passed a resolution according to which the registered proportional list, where due to the removal of a candidate, the number of candidates will be less than the established minimum, will not be canceled.<sup>68</sup> **GYLA positively assesses this step of the CEC, which will facilitate the realization of the suffrage of parties and their representatives.**

## VII. CEC ADVISORY GROUP

In accordance with the changes of 2021, during the election period, the CEC Advisory Group was established. On July 29, the CEC determined its structure, rules of operation, powers, and issues related to its activities by a resolution,<sup>69</sup> and on August 13, it approved the composition by an ordinance.<sup>70</sup> GYLA initially refused to participate in the selection process of members of the CEC Advisory Group.

The Advisory Group is authorized to submit recommendations to the CEC regarding the process of reviewing election disputes, including the review procedure, the search for relevant materials, and/or the examination of relevant evidence.<sup>71</sup> The chairperson of the advisory group or a member of the advisory group appointed by them is authorized to attend the process of recounting the voting results in the district election commissions on their own initiative.<sup>72</sup>

The decree set a quota for local non-governmental organizations, according to which no less than 7 and no more than 11 candidates for the Advisory Group will be selected by mutual observation (consensus) by local observer organizations registered with the CEC during the last three general elections.<sup>73</sup> According to the original wording, the members of the group should have been selected by full consensus; however, on August 6, the CEC amended the resolution, according to which, in case of non-election by consensus of the members of the advisory group, the candidate who will receive at least 2/3 votes of the total composition of the organizations presented will be elected.<sup>74</sup> GYLA disapproves of this decision and believes that it was better to maintain the old rule to ensure the credibility of the group.

This decision made by the CEC became one of the preconditions for some non-governmental organizations to leave the selection process of the advisory group. In particular, on August 8, Transparency International Georgia and the International Society for Fair Elections and Democracy left the consultative group.<sup>75</sup> In their view, the composition of the organizations invited to select the members of the Advisory Group and the decision-making procedure could not ensure the selection of qualified and credible people by consensus.<sup>76</sup>

On August 13, the CEC approved the composition of the group (12 members)<sup>77</sup> by decree, but the advisory

<sup>67</sup> The Election Code, Article 143, Part 3.

<sup>68</sup> CEC Resolution N60/2021, accessible: <https://bit.ly/3ED4YLG>, updated: 21.09.2021.

<sup>69</sup> Resolution N44/2021 of the Central Election Commission of Georgia of July 29, 2021, on the approval of the Statute of the Advisory Group of the Central Election Commission of Georgia, Article 5, Paragraph 1, accessible: <https://bit.ly/3oCTF0C>, updated: 10.09.2021.

<sup>70</sup> Resolution N156/2021 of the Central Election Commission of Georgia of August 13, 2021, accessible: <https://bit.ly/2X7gopE>, updated: 10.09.2021.

<sup>71</sup> Resolution N44/2021 of the Central Election Commission of Georgia of July 29, 2021, on the approval of the Statute of the Advisory Group of the Central Election Commission of Georgia.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid, Article 3, Paragraph 3, Subparagraph “b”.

<sup>75</sup> “Transparency International and Fair Elections leave the process of staffing the CEC advisory group”, Transparency International Georgia’s website, August 8, 2021, accessible: <https://bit.ly/3A2VBC7>, updated: 19.10.2021.

<sup>76</sup> Ibid.

<sup>77</sup> Resolution N156/2021 of the Central Election Commission of Georgia of August 13, 2021, accessible: <https://bit.ly/2X7gopE>, updated: 10.09.2021.



group was unable to function and disbanded on September 19, 2021. The CEC declared the ordinance on its creation invalid.<sup>78</sup> The reason for the dissolution of the advisory group was the statements submitted by the group members to the CEC about leaving the group. According to the law, the Advisory Group must consist of at least 9 members,<sup>79</sup> and as of September 19, it had only 6 members, which is less than the established minimum. In addition, its composition is approved within 10 days after the election<sup>80</sup>, which makes it impossible to form a new group.

## VIII. ACTIVITIES OF THE INTERAGENCY COMMISSION FOR FREE AND FAIR ELECTIONS

The Interagency Commission met 4 times during September (September 8, 15, 22, and 29). GYLA did not attend these meetings; however, it remotely monitored the activities of the Commission. It should be noted that the minutes of the hearing was published on the official website of the Ministry of Justice a few days late.

The Commission discussed media monitoring reports, including allegations of public service gatherings, alleged illegal donations, pressure, and threats against opposition party candidates and supporters, alleged political dismissals, use of administrative resources, and alleged voter bribery.<sup>81</sup> More specifically, the following issues were on the agenda:

- Information about the donation of 700,000 GEL from 87 people living in the Samtskhe-Javakheti region to the Georgian Dream.<sup>82</sup> GYLA reported this fact and called on the relevant agencies to respond;<sup>83</sup>
- A case of staff gathering by an independent candidate for mayor of Ozurgeti, to which reference was made by the municipality on the meeting during non-working hours.<sup>84</sup> According to GYLA, the incident is an example of a gathering of public servants and employees of NNLEs established by the municipality on an official basis, and therefore GYLA positively evaluates the decisions of the District Election Commission and the court;<sup>85</sup>
- The facts presented by Mindia Davitadze, the representative of the party For Georgia, were related to pressure, dismissal on political grounds, and compulsion to resign on the basis of a personal statement.<sup>86</sup> Several of these facts were described in the GYLA reports;
- The fact of beating Ivane Gvelesiani, which is being investigated under the article of violence.<sup>87</sup> According to GYLA, it is a case of alleged politically motivated violence.<sup>88</sup>

<sup>78</sup> CEC Decree N285/2021 on annulling the Decree No. 156/2021 of the Central Election Commission of Georgia of August 13, 2021, on the approval of the advisory group composition of the Central Election Commission of Georgia for the October 2, 2021, for elections of the representative body of the municipality - Sakrebulo and self-governing city/self-governing community, accessible: <https://bit.ly/3AtXGqY>, updated: 20.09.2021.

<sup>79</sup> The Election Code of Georgia, Article 16<sup>1</sup>, Part 1.

<sup>80</sup> Ibid.

<sup>81</sup> Minutes of the 5th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 8, 2021, accessible: <https://bit.ly/3hOKnue>, updated: 05.10.21; Minutes of the 6th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 15, 2021, accessible: <https://bit.ly/3CRpbvo>, updated: 05.10.21; Minutes of the 7th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 22, 2021, accessible: <https://bit.ly/39Pyj7g>, updated: 05.10.21; Minutes of the 8th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3p1YVLc>, updated: 13.10.2021.

<sup>82</sup> Minutes of the 5th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 8, 2021, accessible: <https://bit.ly/3hOKnue>, updated: 05.10.21.

<sup>83</sup> Mariam Latsabidze et al., “II Interim Report of the 2021 Local Self-Government Election Observation Mission, August-September”, (Tbilisi: Georgian Young Lawyers’ Association) p. 23, accessible: <https://bit.ly/2YlqeoH>, updated: 05.10.21.

<sup>84</sup> Ibid.

<sup>85</sup> Mariam Latsabidze et al., “II Interim Report of the 2021 Local Self-Government Election Observation Mission, August-September”, (Tbilisi: Georgian Young Lawyers’ Association) p. 17, accessible: <https://bit.ly/2YlqeoH>, updated: 05.10.21.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> 2nd Interim Report of the 2021 Local Self-Government Election Observation Mission, Georgian Young Lawyers’ Association Website, p. 27, accessible: <https://bit.ly/2ZZZY2y>, updated: 13.10.2021.

- In Aspindza, a case of alleged use of administrative resources by NDS Construction Ltd.<sup>89</sup> According to GYLA, the company carries out this specific activity based on public finances in accordance with the agreement with the state and agitates in favor of the ruling team; therefore, this action should be considered as the use of administrative resources.<sup>90</sup>

Cases of withdrawal of candidates and dismissal on political grounds registered by the Public Defender were discussed at the sittings.<sup>91</sup> According to the representative of the Ministry of Internal Affairs, as of September 28, 24 criminal cases related to the elections have been investigated, which is significantly different from the period of the 2020 parliamentary elections (by then, 76 cases were under investigation),<sup>92</sup> and according to the representative of the General Prosecutor's Office, the investigation is ongoing on 5 criminal cases related to the elections.<sup>93</sup>

The Commission focused on the measures to be taken to effectively enforce the regulations on voter control.<sup>94</sup> GYLA has developed special approaches to effectively respond to the observance of the rules of voter control on Election Day. According to GYLA, physical obstruction of the movement of voters, gathering of people, or registration of voters should be organized in order to identify violations, and this should not be a spontaneous action.

It should be noted that the Commission reviewed the GYLA's 1st Interim Report on the Long-Term Monitoring of the Election Mission.<sup>95</sup> Shalva Papuashvili noted that the issues mentioned in the report do not violate the election legislation, and it is related to the May-July period and not the campaign period.<sup>96</sup> According to GYLA methodology, one report will cover the period before the election date is set, and the other - the situation before the voting day.<sup>97</sup> This is due to the fact that 60 days before the polling day, the special rules come into force, and GYLA considers these two time periods separately.<sup>98</sup> However, GYLA reports clearly distinguish between bad practices and violations.<sup>99</sup>

At the same time, the recommendations developed by the Commission were discussed at the sitting,<sup>100</sup> in particular:

- Heads of educational resource centers, public schools, and kindergartens were urged not to participate in pre-election agitation during working hours and/or when they were directly exercising their official duties.<sup>101</sup> Also, the heads of educational resource centers, employees of public schools, and kindergartens should refrain from agitation/contraception using social networks, involving their pupils/students in the pre-election process, and also separate their professional activities from the electoral political processes as much as possible.<sup>102</sup>
- Civil servants of the central and local government during working hours and/or when they are directly exercising their official duties should not participate in pre-election agitation and refrain from participating in meetings against the election subject in order to avoid verbal and physical confrontation on political grounds

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Minutes of the 5th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 8, 2021, accessible: <https://bit.ly/3hOKnue>, updated: 05.10.21; Minutes of the 6th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 15, 2021, accessible: <https://bit.ly/3CRpbvo>, updated: 05.10.21;

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Minutes of the 8th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3p1YVLc>, updated: 13.10.2021.

<sup>95</sup> Minutes of the 5th session of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, September 8, 2021, accessible: <https://bit.ly/3hOKnue>, updated: 05.10.21.

<sup>96</sup> Ibid.

<sup>97</sup> Vakhushti Menabde, "Response to the ruling party", Georgian Young Lawyers' Association Website, September 20, 2021, accessible: <https://bit.ly/3a76Yh5>, updated: 04.10.2021.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Recommendations of the Interagency Commission for Free and Fair Elections, Website of the Ministry of Justice of Georgia, accessible: <https://bit.ly/3AdYzDd>, updated: 05.10.21.

<sup>102</sup> Ibid.

and candidates can communicate with voters in a free and non-conflict environment.<sup>103</sup>

- Electoral subjects and their supporters, especially in the public service, should be clearly instructed to refrain from attending pre-election meetings of rival political party candidates for the purpose of conspiracy theories, assessments, or speeches in order to rule out incidents, violent excesses, and verbal and physical confrontation on political grounds.<sup>104</sup>

According to GYLA, these recommendations should have been issued earlier, and to do so when there are 3 days left before the elections is less effective.

## IX. ELECTRONIC ELECTION PILOT SIMULATION

On September 22, 2021, the Central Election Commission of Georgia organized a voting simulation in support of the e-election pilot program.<sup>105</sup> 823 voters were registered on the voter list to participate in the voting.<sup>106</sup> The building of school #75, located in Krtsanisi election district, was selected as a pilot location. GYLA registered one observer and several voters for the mock voting process.

Unrest and queues were observed at the beginning of the voting process; however, this was soon rectified. It took some time to instruct voters about the new rules, though voters followed them exactly.

The following news was presented on the simulation of the e-election pilot:

- **Ballots of different designs and voting rules.** There are three columns in one ballot paper for proportional, mayoral, and majoritarian candidates. Voters, instead of marking the election number, color the rounded circles next to the candidate with a special marker. The test coloring place is marked on the ballot paper. The ballot paper is protected by a special bar code, which guarantees that the device will receive ballot papers only for this precinct. In case the circle is improperly colored, or the ballot paper is placed in the folded position in the receiving slot, the machine returns this ballot paper by indicating the corresponding reason on the screen. The apparatus considered the ballot papers invalid for two main reasons if more than one number was marked in one column or if it was not marked at all;
- **A ballot box with a different design.** An electronic voice counting device is attached to the ballot box with a special plastic seal, which scans the ballot paper and places it in the ballot box. It takes about 5-10 seconds for the device to place the ballot after getting it in the receiver slot. Representatives of the Commission lingered the voters with the apparatus at this time to make sure that the vote of the voter was recorded. It should be noted that the ballot paper is placed in the ballot box in an inverted form, which excludes the violation of the secrecy of the ballot if the ballot paper is returned by the ballot box;
- **New rules for counting votes and summarizing results.** The chairperson of the election commission has a special electronic chip and code, which is necessary to print a zero report. Removing a zero score from the device confirms that voting using the device starts from zero. It takes a total of 2-3 minutes for the device to count the results, which includes using an electronic key, a special code, and printing the results. It should be noted that the results printed by the apparatus have no legal force.

In the voting simulation, in order to check the correctness of the work of the apparatus, the ballots were manually counted and compared with the results printed by the apparatus. A 100% correlation was found between a device and manual counting results. **GYLA will evaluate the e-election pilot in the final report.**

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Pilot project of electronic vote counting in the October 2 elections - mock elections were held in Krtsanisi constituency, Central Election Commission website, September 22, 2021, accessible: <https://bit.ly/3lnJpXQ>, updated: 07.10.2021.

<sup>106</sup> Ibid.

## X. CEC INTERIM REPORT

On September 28, the CEC released the October 2 Local Government Election Interim Report, which covers the period from August 2 to September 15.<sup>107</sup>

The report covers important issues such as statements, complaints, and election disputes; Providing financial and material resources for the election process; Norms and regulations in force during the pre-election period, including the legal provision of elections; Measures taken to prevent the spread of New Coronavirus (SARS-CoV-2) infection (COVID-19); Election administration, its composition, and rules of election; Promoting an inclusive election environment; Information campaign and more.<sup>108</sup>

CEC Chairperson Giorgi Kalandarishvili presented the report to diplomatic missions and representatives of international organizations.<sup>109</sup> According to him, the activities described and listed in the document offer a free, fair, and safe electoral environment to the voters and the parties involved in the process.<sup>110</sup> According to Kalandarishvili, there were all preconditions for the elections to be held at a high level, which was conditioned by the electoral reform carried out according to the April 19 document.<sup>111</sup>

## XI. OSCE/ODIHR INTERIM REPORT

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) published an interim report on the local elections of October 2 on September 17.<sup>112</sup> The report, which covers the period from August 26 to September 15, notes that the pre-election environment is characterized by deep polarization between the ruling and opposition parties.<sup>113</sup> Bilateral allegations of misinformation and election irregularities played an important role in the parties' campaigns.<sup>114</sup>

According to the report, some parties involved in the process noted that the pre-election environment was extremely polarized and saturated with aggressive discussion.<sup>115</sup> At the same time, according to the organization, there was pressure on candidates across the country to withdraw their candidacies.<sup>116</sup>

According to the report, during meetings with the OSCE/ODIHR, representatives of political parties noted that the political environment was too favorable for the Georgian Dream.<sup>117</sup> This attitude became particularly apparent with regard to access to campaign donations.<sup>118</sup> This problem has been exacerbated by several social and economic projects launched by the ruling party since the announcement of the election date.<sup>119</sup>

As for the election legislation, the report partially welcomed the legislative changes made under the April 19

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<sup>107</sup> Interim Report of the elections of the representative body of the municipality - Sakrebulo and the mayor of the self-governing city/self-governing community, October 2, 2021 (August 2 - September 15), CEC website, September, 2021, accessible: <https://cesko.ge/res/docs>, updated: 19.10.2021.

<sup>108</sup> Ibid.

<sup>109</sup> "CEC Chairperson Presents Interim Report on October 2 Elections to Diplomatic Missions and International Organizations", Information portal Interpressnews, September 28, 2021, accessible: <https://www.interpressnews.ge/ka/article>,

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> "OSCE Office for Democratic Institutions and Human Rights' (OSCE/ODIHR) Election Observation Mission in Georgia, Local Elections, October 2, 2021", Interim Report, 26 August - 15 September, OSCE Website, September 17, 2021, accessible: <https://www.osce.org/files/f>, updated: 19.10.2021.

<sup>113</sup> Ibid, p. 5.

<sup>114</sup> Ibid, p. 12.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid, p. 11.

<sup>117</sup> Ibid, p. 13.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

agreement on June 28, which were in line with several previous recommendations<sup>120</sup> made by the OSCE/ODIHR and the Venice Commission. However, the organization noted that a number of recommendations remained unimplemented, in particular, restrictions on suffrage, ways to resolve electoral disputes, and additional measures to prevent the misuse of administrative resources.<sup>121</sup>

## **XII. ASSESSMENT OF THE PRE-ELECTION ENVIRONMENT BY LOCAL OBSERVER ORGANIZATIONS**

The pre-election environment was assessed by interim reports by local NGOs. According to the findings, polarization between the parties was observed in the election environment, and there was frequent pressure on the candidates on political grounds.

According to Transparency International Georgia's interim report, the use of administrative resources for elections was problematic,<sup>122</sup> while according to the second interim report, there was political pressure and extremely unequal distribution of funds between the parties, which harmed the election environment.<sup>123</sup> The second interim report of the International Society for Fair Elections and Democracy also addresses political pressure and threats.<sup>124</sup> In addition, the organization named the process of staffing precinct election commissions by authorized parties as problematic issues; Political violence; Tendency of dismissals and pressured/threatened; The tendency of unauthorized persons to participate in the election campaign; Use of administrative resources for party purposes, etc.<sup>125</sup> Multinational Georgia highlighted the dismissal on political grounds in its interim report.<sup>126</sup> In addition, according to the report, there were cases when incumbent mayors and Sakrebulo members, who were also nominated as candidates, ran from their positions in the pre-election campaign, blurring the line between the exercise of official powers and the right to participate in the election campaign.<sup>127</sup> The report positively assessed the election changes but named the election of CEC members on a professional basis as one of the challenges.<sup>128</sup>

## **XIII. INTERNATIONAL OBSERVATION MISSIONS AT THE 2021 LOCAL SELF-GOVERNMENT ELECTIONS**

Several important international organizations decided to observe the October 2 municipal elections.<sup>129</sup> In particular, the OSCE/ODIHR Election Mission consisted of 12 experts and 30 long-term observers, which have been deployed across the country since September 4.<sup>130</sup> Election observation was also decided by the National Democratic Institute and the International Republican Institute.<sup>131</sup> They opened long-term election missions in early September.<sup>132</sup> The observation mission was also staffed by the European Network of Election Monitoring

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<sup>120</sup> Ibid. p.6.

<sup>121</sup> Ibid.

<sup>122</sup> "Use of Administrative Resources for the 2021 Municipal Elections of Georgia - Interim Report", Transparency International Georgia website, September 28, 2021, accessible: <https://transparency.ge/ge/post>, updated: 19.10.2021.

<sup>123</sup> "Financing of the 2021 Election Campaign of Georgian Municipal Bodies - Interim Report", Transparency International Georgia website, September 30, 2021, accessible: <https://transparency.ge/ge/post>, updated: 19.10.2021.

<sup>124</sup> ISFED Presents Second Interim Report on Monitoring of Official Pre-Election 2021, Website of the International Society for Fair Elections and Democracy, September 23, 2021, accessible: <https://www.isfed.ge/geo/presrelizebi/ISFED>, updated: 19.10.2021.

<sup>125</sup> Ibid.

<sup>126</sup> Interim Report on the Pre-Election Environment Monitoring of the Municipal Bodies for the 2021 Elections, Multinational Georgia Website, September, 2021, p. 6, accessible: <http://www.pmmg.org.ge/res/uploads>, updated: 19.10.2021.

<sup>127</sup> Ibid, p. 6.

<sup>128</sup> Ibid, p. 5.

<sup>129</sup> "Who will observe the 2021 local elections", Information portal „Civil.ge”, September 17, 2021, accessible: <https://civil.ge/ka/archives/440884>, updated: 19.10.2021.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> "Who will observe the 2021 local elections", Information portal „Civil.ge”.



Organizations.<sup>133</sup> Like the others, the organization started operations in September.<sup>134</sup>

The European Parliament also announced the creation of an observation mission. The statement was made by Marina Kaljurand, MEP.<sup>135</sup> The EU delegation visited Georgia on September 30.<sup>136</sup> MEPs join OSCE/ODIHR International Monitoring Mission.<sup>137</sup> The delegation included: Michael Gahle (EPP, Germany, Chairperson of the Delegation), Miriam Lexmann (EPP, Slovakia); Marina Kaljurand (S&D, Estonia); Katalin Cseh (Renew, Hungary); Markéta Gregorová (Greens/EFA, Czech Republic); Jordi Solé (Greens/EFA, Spain); Anna Fotyga (ECR, Poland).<sup>138</sup>

## **XIV. GYLA HAS FILED A COMPLAINT IN THE CONSTITUTIONAL COURT FOR VIOLATION OF THE PRINCIPLE OF EQUALITY OF THE VOTE**

GYLA has applied to the Constitutional Court with a request to declare the borders of the majoritarian constituencies established for the local self-government elections unconstitutional.<sup>139</sup> According to the complaint, based on the appealed norms, the voice of the voters in the small constituencies has a higher weight compared to the voters registered in the big constituencies. According to the Constitutional Court practice, the primary purpose and basis of the exercise of the right to vote are to reflect the will of the citizens and the opportunity for their vote to influence the final results of the elections.<sup>140</sup> Due to the disputed norms, the loss of the “weight” of the voter’s vote deprived the voter of the opportunity to exercise their active suffrage effectively.<sup>141</sup> And increased the possibility of other voters influencing the election results.<sup>142</sup>

According to GYLA, “such an electoral system gives citizens unequal opportunities and fails to ensure that elections are held in accordance with the Constitution and that the will of the electorate is adequately reflected in the final election results”.<sup>143</sup> Thus, the organization considers that the disputed norms have violated the principle of equality of votes, which is why they should be declared unconstitutional.

## **XV. THE RULING TEAM ATTACKS OBSERVER ORGANIZATIONS**

On September 17, the Georgian Dream held a press conference on the interim reports of three non-governmental organizations - GYLA, Transparency International - Georgia, and Fair Elections.<sup>144</sup> According to the ruling party, the GYLA report covered the period before the start of the election campaign. Therefore, it was superfluous to

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<sup>133</sup> „ENEMO Launches Election Observation Mission in Georgia for the elections on October 2”, Information portal Interpressnews, September 20, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>134</sup> Ibid.

<sup>135</sup> “Marina Kaljurand - “The European Parliament has decided to send an election observation mission to Georgia”, Information portal Interpressnews, September 10, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>136</sup> “European Parliament observers are in Georgia”, Information portal Radio Tavisupleba, September 30, 2021, accessible: <https://www.radiotavisupleba.ge/a/31485269.html>, updated: 19.10.2021.

<sup>137</sup> “7 MEPs will observe the self-government elections”, Information portal „On.ge“, September 29, 2021, accessible: <https://on.ge/story/>, updated: 19.10.2021.

<sup>138</sup> Ibid.

<sup>139</sup> “GYLA demands unconstitutional recognition of the boundaries of the majoritarian constituencies established for local self-government elections in the Constitutional Court”, Georgian Young Lawyers’ Association Website, September 18, 2021, accessible: <https://gyla.ge/ge/post/saia-sakonstitucio>, updated: 19.10.2021.

<sup>140</sup> Decision N1/3/547 of the Constitutional Court of 28 May 2015, on the case of Ucha Nanuashvili and Mikheil Sharashidze v. Parliament of Georgia.

<sup>141</sup> “GYLA requests the unconstitutional recognition of the boundaries of the majoritarian constituencies established for the local self-government elections in the Constitutional Court,” the website of the Georgian Young Lawyers’ Association.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> “The Dream criticizes GYLA, TI and ISFED reports”, Information portal Netgazeti, September 17, 2021, accessible: <https://netgazeti.ge/news/563820/>, updated: 19.10.2021.



talk about the violation of the election legislation during this period of time.<sup>145</sup> In their view, it was not clear to the public that the election campaign had started on August 3, and thus, the events that had taken place before, could not be considered as a violation of the rules of the campaign.<sup>146</sup> The Georgian Dream had a similar opinion on the reports of other organizations.<sup>147</sup> Also, it was wrong to classify the party's actions by the reports as "an activity to win the hearts of the voters" because, by this logic, any action of the government during the non-election period would be considered to win the hearts of the voters.<sup>148</sup> In addition, the ruling party noted that the problematic "general trend" in all three reports was the separation of violation of the law and "bad practice". This made it unclear to the public whether a political party had committed a breach of law or their conduct "simply did not conform to the [internal] standards set by a particular organization".<sup>149</sup> At the same time, a fundamental reform of the election legislation was carried out with the involvement of non-governmental organizations.<sup>150</sup> After this process, the organizations' assessment of the parties' actions by additional criteria did not meet the "standard of conscientious observation".<sup>151</sup> The Georgian Dream called on the civil society sector to make such assessments clear and transparent to the public and to separate alleged violations from violations of internal criteria or standards of organizations.<sup>152</sup>

GYLA responded to the criticism of the ruling party and called it unfounded.<sup>153</sup> First, the report made it clear that the bans imposed during the election campaign did not apply during the given period.<sup>154</sup> In addition, the organization clearly distinguished between what was a violation and what was a "bad practice".<sup>155</sup> Consequently, the difference between the violation of the law and the fact was clear to the public.<sup>156</sup> In addition, GYLA used the phrase "manipulation aimed at winning the hearts of voters", which referred to a program approved by the government one day before the ban, which it could have implemented much earlier.<sup>157</sup> As for the involvement of the civil sector in the electoral reform process and the lack of conscientiousness in introducing additional evaluation criteria, GYLA noted that the additional criteria were not assessed as illegal and included two categories of facts - the first related to political ethics, which the organization did not recommend to regulate by law, and the second - a ban on advertising of the ruling party with funds from the state budget, the regulation of which could not be recommended as it was a new trend.<sup>158</sup> Thus, there could be a gap found in the legislation at any time, and if "after the reform, the identification of previously unnoticed shortcomings based on the analysis of the legislation is linked to good faith, thereby destroying the chance of developing the legislation".<sup>159</sup>

GYLA became the target of another attack 2 days after this incident. Irakli Kobakhidze, the chairperson of the Georgian Dream, linked GYLA's constitutional claim to the UNM plans and creating problems for the elections.<sup>160</sup> Kobakhidze called the complaints absurd.<sup>161</sup> In his view, appealing to the court two weeks before the election indicated its political interest.<sup>162</sup> He added that the law was passed amid a broad political consensus and that GYLA did not object to the process.<sup>163</sup> The organization responded that the complaint could not be considered before the 2021 local elections, given the time and procedure allocated to it by law, and thus could not pose a

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<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Vakhushiti Menabde, "Response to the ruling party".

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> "The Georgian Dream accuses GYLA of creating problems for elections", Information portal Radio Tavisupleba, September 19, 2021, accessible: <https://www.radiotavisupleba.ge/a/31467773.html>, updated: 19.10.2021.

<sup>161</sup> Ibid.

<sup>162</sup> "Irakli Kobakhidze - the political interest is very clearly read behind the GYLA's complaint", Information portal „1tv.ge“, September 20, 2021, accessible: <https://1tv.ge/news/irakli>, updated: 19.10.2021.

<sup>163</sup> "The Georgian Dream accuses GYLA of creating problems for elections", Information portal Radio Tavisupleba.

threat to it.<sup>164</sup> In addition, the court decision could not affect the election results.<sup>165</sup> According to GYLA, since it was never driven by political interest, it was decided to file the complaint two weeks before the election so that it would not be linked to the election results.<sup>166</sup>

**According to GYLA, the ruling party’s attacks are characterized as contradictory, slanderous, formalistic, and superficial.<sup>167</sup> The strategy of the government is rational and implies tarnishing the image of the organization since it has a reputation of an impartial and competent organization in society.<sup>168</sup> The main purpose of the Georgian Dream’s criticizing is to discredit it.<sup>169</sup>**

## XVI. VISIT OF US CONGRESSMEN TO GEORGIA

On September 6, a delegation of US Republican congressmen visited Georgia.<sup>170</sup> The delegation included Alex Xavier Mooney (West Virginia), Bryan George Steil (Wisconsin), Kelly Michael Armstrong (North Dakota), Carol Devine Miller (West Virginia), and Ronald Gene Estes (Kansas).<sup>171</sup> During the visit, the delegation held meetings with the Prime Minister, Ministers of Foreign Affairs, Defense and Economy, and Sustainable Development of Georgia.<sup>172</sup> Among other issues, the sides discussed the ongoing democratic reforms in Georgia.<sup>173</sup> Congressman Mooney noted that Republican congressmen came to the country to support it.<sup>174</sup> The visit of the delegation lasted until September 8.<sup>175</sup>

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<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Vakhushiti Menabde, “Response to the ruling party”.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> The Delegation of US Congressmen Visits Georgia, Information portal Interpressnews, September 6, 2021, accessible: <https://www.interpressnews.ge/ka/article>, updated: 19.10.2021.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> “US Congressmen paid an official visit to Georgia”, Information portal „Civil.ge”, September 9, 2021, accessible: <https://civil.ge/ka/archives/439848>, updated: 19.10.2021.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.