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**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

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

NEWSLETTER №29
February, 2022

Tbilisi, 2022

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This newsletter was made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents of this newsletter are the sole responsibility of “Georgian Young Lawyers’ Association” (GYLA) and do not necessarily reflect the views of USAID or the United States Government.



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INTRODUCTION

The Georgian Young Lawyers' Association (GYLA) started implementing the project - "Free, fair and equal electoral political cycle in 2019-2022" throughout the country in August 2019. One of the project's goals is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing political processes and develop recommendations that will be communicated to the public and presented to decision-makers. We present the bulletin №29, describing the events that took place in February 2022, which impacted the political environment.

I. DISTRIBUTION OF POSTS IN MUNICIPAL ASSEMBLIES

In February 2022, some municipal assemblies continued the long process of distribution of positions that began after the local self-government elections. On February 14, Zugdidi Municipal Assembly elected Giga Parulava, a member of the Party For Georgia, as its chairperson.¹ It should be noted that the Georgian Dream refused to participate in the voting.² On February 23, Irakli Kacharava, a member of the Party For Georgia, was elected as a chairperson of Senaki Municipality.³ However, differences of opinion arose regarding the legality of the decision.⁴ Representatives of the Georgian Dream, who did not attend the meeting in this case, argued that the Assembly had elected the chairperson in the absence of the required quorum (17 attendees).⁵ There are a total of 33 members in the Senaki City Assembly, of which 17 were from opposition parties, and one of them resigned in early December.⁶ On February 9, opposition lawmakers recognized a new member.⁷ The Georgian Dream considered this decision a procedural violation because, according to them, until the new member was appointed, 16 deputies did not have the right to open the sitting.⁸ The Senaki City Assembly said that the law was not violated because a new session was not held on February 23; rather, it was a continuation of the session opened and postponed by the December 3 quorum.⁹ The Georgian Dream applied to the court with a request to temporarily terminate the authority of Senaki City Assembly.¹⁰

II. BY-ELECTIONS IN RUSTAVI AND BATUMI

According to the CEC decree of February 1, by-elections of the Parliament of Georgia and the Municipal Assembly will be held on April 2.¹¹ Voters in Rustavi will elect the Georgian Parliament's, and in Batumi - the City As-

¹ "Zugdidi Municipal Assembly Chairperson Elected from Gakharia Party", information portal Radio Tavisupleba, February 14, 2022, available at: <https://www.radiotavisupleba.ge/a/31702844.html>, accessed: 14.03.2022.

² Ibid.

³ "Gakharia's teammate was elected as the chairperson of Senaki Municipal Assembly", information portal Radio Tavisupleba, February 23, 2022, available at: <https://www.radiotavisupleba.ge/a/31718658.html>, accessed: 14.03.2022.

⁴ Ibid.

⁵ "Opposition Controversially Elects Senaki Municipal Assembly Chair", information portal Civil.ge, February 23, 2022, available at: <https://civil.ge/ka/archives/474544>, accessed: 14.03.2022.

⁶ Ibid.

⁷ Ibid.

⁸ "A decision without a quorum? - What happened in Senaki Municipal Assembly"? Information portal Radio Tavisupleba, February 10, 2022, available at: <https://www.radiotavisupleba.ge/a/31696415.html>, accessed: 14.03.2022.

⁹ "Georgian Dream demands that the court temporarily suspend the right to make a decision in Senaki Municipal Assembly", information portal Radio Tavisupleba, February 23, 2022, available at: <https://www.radiotavisupleba.ge/a/31718266.html>, accessed: 14.03.2022.

¹⁰ "Georgian Dream demands that the court temporarily suspend the right to make a decision in Senaki Municipal Assembly", information portal Radio Tavisupleba, February 23, 2022, available at: <https://www.radiotavisupleba.ge/a/31718266.html>, accessed: 14.03.2022.

¹¹ "By-elections will be held in Batumi and Rustavi on April 2", information portal Radio Tavisupleba, February 1, 2022, available at: <https://www.radiotavisupleba.ge/a/31681552.html>, accessed: 14.03.2022.

sembly's majoritarian members.¹² The election of Majoritarian Nino Latsabidze as the mayor of Rustavi and the death of the majoritarian member of the City Assembly Jemal Putkaradze in Batumi conditioned the appointment of by-elections.¹³ In Batumi, the National Movement nominated the son of the deceased MP, Mate Putkaradze.¹⁴ His rival from the Georgian Dream will be Ramaz Jincharadze, the First Deputy Minister of Health of Adjara.¹⁵ Lelo nominated Badri Japaridze, a former member of Parliament, as a majoritarian candidate in Rustavi.¹⁶

III. ELECTION OF THE CEC CHAIRPERSON

On February 15, the Parliament of Georgia elected Giorgi Kalandarishvili as the Chairperson of the CEC.¹⁷ Kalandarishvili was not able to get the $\frac{2}{3}$ of the deputy votes, which would have allowed him to stay in the post for 5 years.¹⁸ He was elected by a simple majority (84 votes). Therefore, he will still hold the position of chairperson for a term of 6 months.¹⁹ Kalandarishvili was not able to gain the support of the opposition and, consequently, the qualified majority in August 2021 and headed the CEC for a period of 6 months.²⁰ Along with Giorgi Kalandarishvili, two new members of the Central Election Commission were elected for a term of 6 months: Maia Zaridze and Giga Tsatsashvili.²¹

It should be noted that the Chairman and members of the CEC were elected on the basis of the recent amendments to the legislation enacted on December 17, 2021.²² Prior to the adoption of the amendments, the legislation provided, in particular, for the so-called anti-deadlock mechanism. This mechanism specified that if a member or a chairperson of the CEC did not receive enough votes in the first voting, the candidate could be elected in the second ($\frac{2}{3}$ majority), third ($\frac{3}{5}$ majority), and fourth rounds of voting (with a simple majority). A four-week interval was established between each ballot, while in the transition process this interval was shortened from four to one week. The introduction of an anti-deadlock mechanism in the legislation was envisioned in the so-called Charles Michel Agreement²³ and was intended to ensure that the candidates were selected by bipartisan support and consensus, while the anti-deadlock mechanism served to avoid a stalemate in the process.²⁴ According to the December amendments, the CEC chair and members are elected by at least $\frac{2}{3}$ or a majority of the full membership.²⁵ If the candidate running for the first time does not receive a $\frac{2}{3}$ majority, the voting is repeated.²⁶ In case of re-election, the candidate who is supported by the majority of the full composition of the parliament shall be considered elected. In this case, he/she will hold the office not for 5 years, but 6 months.²⁷

¹² Ibid.

¹³ Ibid.

¹⁴ "UNM Names Dead MP's Son as Majoritarian Candidate in Batumi", information portal Radio Tavisupleba, February 12, 2022, available at: <https://www.radiotavisupleba.ge/a/31700619.html>, accessed: 14.03.2022.

¹⁵ Ibid.

¹⁶ "Badri Japaridze will be the majoritarian candidate in the by-elections in Rustavi", information portal Radio Tavisupleba, February 12, 2022, available at: <https://www.radiotavisupleba.ge/a/31705128.html>, accessed: 14.03.2022.

¹⁷ "CEC Chair Re-Elected for Temporary Term", information portal Civil.ge, February 15, 2022, available at: <https://civil.ge/ka/archives/472863>, accessed: 14.03.2022.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² "Voting Report", the official website of the Parliament of Georgia, December 17, 2021, available at: <https://info.parliament.ge/file/1/BillReviewContent/289240?>, Accessed: 20.12.21.

²³ "A Way ahead for Georgia", EU Delegation to Georgia, official website, 19 April 2021, available at: <https://bit.ly/3frBggU>, accessed: 20.12.21.

²⁴ Ibid.

²⁵ Rules of Procedure of the Parliament of Georgia, Article 204, Paragraph 4, Subparagraph "c".

²⁶ Rules of Procedure of the Parliament of Georgia, Article 205, Paragraph 7.

²⁷ Ibid.

IV. THE CASE OF MIKHEIL SAAKASHVILI

On February 7, the United National Movement (UNM) registered a draft resolution at a parliamentary bureau meeting to call for the establishment of a temporary parliamentary commission of inquiry into “possible violence, abuse, inhuman and degrading treatment” of Georgia’s third president, Mikheil Saakashvili.²⁸ The commission’s establishment required the support of the 1/3 of the Parliament (50 votes).²⁹ Setting up a commission of inquiry was supposed to be discussed on February 15; however, at the request of faction the National Movement – Power is in Unity, the topic was removed from the plenary session agenda.³⁰ According to Khatia Dekanoidze, the reason for this was the issue of the termination of powers of the opposition party deputies.³¹

On February 21, during the hearing of the so-called the November 7 Case, Mikheil Saakashvili announced that he would go on an indefinite hunger strike again, demanding to receive appropriate treatments based on the conclusions made by Physicians Council established by the Public Defender and the Empathy Center.³² According to Mikheil Saakashvili, it was impossible for him to receive adequate treatment within the penitentiary system.³³ He demanded that the treatment be given by Dutch and American doctors and a council set up on the instructions of Ukrainian President Zelensky.³⁴ Saakashvili declared a hunger strike after the judge refused to comply with the request.³⁵ On February 23, Nika Melia announced regular rallies to “save Mikheil Saakashvili’s life”.³⁶ According to him, the only way to save Mikheil Saakashvili’s life was to take him to a foreign clinic. Accordingly, this would be the main requirement of the rallies as well.³⁷

V. TERMINATION OF THE MANDATE FOR MPS

On February 15, the Parliament of Georgia terminated the mandates of three opposition MPs: Badri Japaridze, Elene Khoshtaria, and Shalva Natelashvili.³⁸ The reason for the termination of Badri Japaridze’s mandate was the guilty verdict against him on January 12.³⁹ The court found Japaridze guilty of group fraud but acquitted him due to the statute of limitations.⁴⁰ As for Khoshtaria and Natelashvili, they did not attend any sitting of the Parliament. The failure to participate in sittings without a valid reason, in accordance with the Rules of Procedure of the Parliament, became the basis for the termination of the mandate.⁴¹ The mandate was also terminated to the former

²⁸ “The project on setting up a temporary commission of inquiry into Saakashvili was registered with the Bureau”, information portal Radio Tavisupleba, February 7, 2022, available at: <https://www.radiotavisupleba.ge/a/31691290.html>, accessed: 14.03.2022.

²⁹ Ibid.

³⁰ “The issue of establishing a commission of inquiry into Saakashvili’s case will not be discussed in the parliament on February 15”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704393.html>, accessed: 14.03.2022.

³¹ Ibid.

³² “Saakashvili Goes on Hunger Strike, Again”, information portal Civil.ge, February 21, 2022, available at: <https://civil.ge/ka/archives/473978>, accessed: 14.03.2022.

³³ Ibid.

³⁴ Ibid.

³⁵ “The court instructed the penitentiary service in Saakashvili’s case”, information portal Radio Tavisupleba, February 21, 2022, available at: <https://www.radiotavisupleba.ge/a/31714305.html>, accessed: 14.03.2022.

³⁶ “To save the life of President Saakashvili”, information portal Radio Tavisupleba, February 23, 2022, available at: <https://www.radiotavisupleba.ge/a/31718933.html>, accessed: 14.03.2022.

³⁷ Ibid.

³⁸ “Parliament terminates the authorities of Natelashvili, Khoshtaria and Japaridze as MPs”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704326.html>, accessed: 14.03.2022.

³⁹ “Khazaradze and Japaridze found guilty of a group fraud, but they were exempt from punishment”, information portal Radio Tavisupleba, January 12, 2022, available at: <https://www.radiotavisupleba.ge/a/31650371.html>, accessed: 14.03.2022.

⁴⁰ Ibid.

⁴¹ “Parliament terminates the authorities of Natelashvili, Khoshtaria and Japaridze as MPs”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704326.html>, accessed: 14.03.2022.

Speaker of the Parliament, Kakha Kuchava, who had previously addressed the Parliament with this request.⁴²

Khatia Dekanoidze, the leader of the faction National Movement - Power is in Unity, held a briefing in the Parliament a few hours before the termination of the mandate of the deputies.⁴³ She requested the restoration of the so-called Spare Lists at the CEC, canceled by the opposition parties.⁴⁴ Spare Lists refer to a proportional list from which it would be possible to select replacements for terminated opposition MPs. Opposition parties demanded the abolition of these lists in protest after the 2020 parliamentary elections.⁴⁵ As a result of the abolition of the lists, after suspending the mandate for the deputies mentioned above, their seats in the Parliament will remain vacant. “We are not going to correct their mistake by changing the laws” - this is how Archil Talakvadze responded to Khatia Dekanoidze’s request.⁴⁶

Politicians assessed the termination of the mandate for the deputies differently. Iago Khvichia, one of the leaders of Girchi, said that he had not made the decision to bring Shalva Natelashvili into the Parliament. Therefore, he has no right to make a decision on his dismissal.⁴⁷ According to MP Aleko Elisashvili, termination of the mandate for Shalva Natelashvili will save the state money.⁴⁸ Mamuka Khazaradze, the leader of the Lelo party, described the termination of the authority of his teammate Badri Japaridze as an expression of “political persecution.”⁴⁹ Badri Japaridze compared the termination of his mandate on February 15 to the suspension of his parliamentary mandate during the 1991-1992 coup.⁵⁰ He also decided to appeal the decision of Parliament to the Constitutional Court.⁵¹ Irakli Kobakhidze said that Badri Japaridze did not repent of the crime committed in the past, and this became the basis for making a political decision against him.⁵² The President of the country, Salome Zurbashvili, responded to the issue of termination of the mandate for the deputies with a short statement on her Facebook page. She said that in the face of internal and external challenges in the country, she would not agree to the termination of powers for MPs.⁵³

EU Ambassador to Georgia Carl Hartzell commented on the incident.⁵⁴ According to the ambassador, the choice to terminate the mandates of members of the opposition parties was made “perhaps at the expense of political inclusiveness and democratic pluralism in parliament.”⁵⁵

⁴² “Badri Japaridze, Shalva Natelashvili, Elene Khoshtaria and Kakha Kuchava were terminated their authorities as MPs”, information portal Civil.ge, February 15, 2022, available at: <https://civil.ge/ka/archives/472868>, accessed: 14.03.2022.

⁴³ “The United National Movement demands the restoration of the opposition’s “spare lists”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704287.html>, accessed: 14.03.2022.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ “Talakvadze on Restoring Opposition ‘Spare Lists’: We are not going to correct their mistake”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704509.html>, accessed: 14.03.2022.

⁴⁷ “Khvichia: I did not bring Natelashvili to the parliament, I will not allow myself to release him”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704553.html>, accessed: 14.03.2022.

⁴⁸ “Elisashvili: By terminating the mandate for Natelashvili, my state will save money”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704631.html>, accessed: 14.03.2022.

⁴⁹ “Mamuka Khazaradze on termination of power for Badri Japaridze: it is a shame when you have such an unprincipled government”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704986.html>, accessed: 14.03.2022.

⁵⁰ “Badri Japaridze: I have seen this hall [parliament] destroyed... then during the coup I lost my authority”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704724.html>, accessed: 14.03.2022.

⁵¹ “Japaridze will appeal against the termination of the MP’s authority in the Constitutional Court”, information portal Radio Tavisupleba, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31705064.html>, accessed: 14.03.2022.

⁵² “According to Kobakhidze, Japaridze did not repent and because of that a political decision was made”, information portal Radio Tavisupleba, February 1, 2022, available at: <https://www.radiotavisupleba.ge/a/31707965.html>, accessed: 14.03.2022.

⁵³ “Salome Zurbashvili opposes the termination of powers for MPs, information portal Radio Tavisupleba”, February 15, 2022, available at: <https://www.radiotavisupleba.ge/a/31704858.html>, accessed: 14.03.2022.

⁵⁴ “EU Reacts to Special Investigation, Personal Data Protection Appointments”, information portal Civil.ge, February 16, 2022, available at: <https://civil.ge/ka/archives/473317>, accessed: 14.03.2022.

⁵⁵ Ibid.

VI. RELATIONS BETWEEN GEORGIA AND THE EUROPEAN UNION

The tenth sitting of the EU-Georgia Parliamentary Association was held in Brussels on February 10 with the participation of the Georgian Parliament and members of the European Parliament.⁵⁶ The Association Committee monitors the agreement's implementation between Georgia and the European Union.⁵⁷ The meeting was chaired by Marina Kaljurand, MEP, and Maka Bochorishvili, the Chair of the EU Integration Committee of the Georgian Parliament.⁵⁸

Commenting on the outcome of the February 14 sitting, Marina Kaljurand said that MEPs welcomed Georgia's readiness to bring its legislation into line with EU law but said that significant reforms were still needed to ensure the independence of the judiciary. Also, the assessments made by international organizations regarding the 2020 parliamentary and 2021 local self-government elections were alarming.⁵⁹ The MEP also referred to the April 19 agreement, noting that it offered the country a path to democratic development and the rule of law.⁶⁰

On February 17, amid the threat of Russian aggression against Ukraine, the European Parliament issued a resolution reiterating that Georgia and Ukraine have a European perspective.⁶¹ The resolution stressed that both countries could apply for EU membership if they met the Copenhagen criteria and the principles of democracy and respect for the rule of law and fundamental human rights.⁶² In the resolution, the European Parliament called on EU member states to recognize the European perspectives of Georgia and Ukraine, which would be "vital" to their security and a boost to domestic reforms.⁶³ At the same time, the highest representative body of the European Union called on Georgia, Moldova, and Ukraine to fully implement the Association Agreement.⁶⁴

VII. GEORGIA IN THE DEMOCRACY INDEX 2021

On January 11, The Economist Intelligence Unit published a report on the 2021 Democracy Index.⁶⁵ According to the report, Georgia's score in the Democracy Index has been deteriorating for four years now, falling to 5.12 points in 2021. According to the report's classification of political regimes, Georgia fell into the category of "hybrid regimes."⁶⁶ The report said that "several exciting events" had contributed to the stagnation of democracy in the country, including the culminating event of arresting Mikheil Saakashvili, a former president and leader of the United National Movement.⁶⁷ The report also touched on the 2021 local government elections, noting that there had been a lack of transparency in irregularities and the ruling party enjoying financial and other benefits that prevented the formation of healthy electoral competition.⁶⁸ The report also cited deep polarization and social divisions resulting from political tensions.⁶⁹

⁵⁶ "EU-Georgia Parliamentary Association Committee Holds Tenth Meeting", information portal Civil.ge, February 15, 2022, available at: <https://civil.ge/ka/archives/472889>, accessed: 14.03.2022.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ "EU-Georgia Parliamentary Association Committee Holds Tenth Meeting", information portal Civil.ge, February 15, 2022, available at: <https://civil.ge/ka/archives/472889>, accessed: 14.03.2022.

⁶⁰ Ibid.

⁶¹ "European Parliament resolution of 17 February 2022 on the implementation of the common foreign and security policy - annual report 2021", official website of the European Parliament, available at: <https://bit.ly/3i0oXtI>, 16, accessed: 14.03.2022.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ "Georgia's Score Continues to Fall in Democracy Index", information portal Civil.ge, February 11, 2022, available at: <https://civil.ge/ka/archives/472427>, accessed: 14.03.2022.

⁶⁶ "Democracy Index 2021: China Challenge", official website of the research section of the Economist magazine, 45, available at: <https://bit.ly/3w8CHeh>, accessed: 14.03.2022.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.