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

**NEWSLETTER №32**  
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# INTRODUCTION

The Georgian Young Lawyers' Association (GYLA) has started implementing the Free, Fair, and Equal Election Political Cycle 2019-2022 project 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. In order to achieve this, the organisation will monitor ongoing political processes and develop recommendations that will be communicated to the public and presented to decision-makers. At the moment, we present Newsletter #32, which describes the events of May 2022 that have had an impact on the political environment.

## I. THE CASE OF NIKA GVARAMIA

On May 16, the Tbilisi City Court sentenced Nika Gvaramia, General Director of the Mtavari Arkhi TV, to 3 years and 6 months in prison.<sup>1</sup> Judge Lasha Chkhikvadze found him guilty of abuse of power.<sup>2</sup> According to the decision, during his tenure as director of Rustavi 2 TV, Gvaramia caused up to 7 million GEL in damages and used the TV Company's advertising time to purchase an expensive car.<sup>3</sup> A criminal case has been launched against the General Director of the Mtavari Arkhi TV since the summer of 2019.<sup>4</sup>

Nika Gvaramia was arrested in the courtroom immediately after the verdict was announced.<sup>5</sup> He pleaded not guilty and linked his arrest to political persecution of critical media.<sup>6</sup> Defendant's attorneys also assessed the verdict as politically motivated and stated that they would take the case to the Court of Appeals.<sup>7</sup>

The decision made by the court was evaluated by the Public Defender.<sup>8</sup> She reminded the public of the Amicus curiae brief submitted to the court by the Public Defender regarding the Gvaramia case in 2019.<sup>9</sup> According to the latter, the content of the action committed by the former director of "Rustavi 2" did not meet the requirements for imposing legal responsibility not even under corporate law, let alone under criminal law.<sup>10</sup>

**According to GYLA's assessment,<sup>11</sup> the decision contained many legal shortcomings, including doubts about the judge's independence and impartiality, and harmed the functioning of critical media.<sup>12</sup>**

Opposition political parties considered the arrest of Nika Gvaramia as a political decision.<sup>13</sup> Nika Melia, chairperson of the United National Movement, said that Nika Gvaramia had become a "victim" of Bidzina Ivanishvili, the founder of the Georgian Dream.<sup>14</sup> The political party Lelo for Georgia described the arrest of the director general

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<sup>1</sup> "The judge sentenced Nika Gvaramia to imprisonment", information portal "Radio Liberty", May 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31852346.html>, accessed: 10.06.2022.

<sup>2</sup> Article 220 of the Criminal Code of Georgia.

<sup>3</sup> "What Nika Gvaramia was accused of and why he was arrested - four main points", information portal "Radio Liberty", May 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31853434.html>, accessed: 10.06.2022.

<sup>4</sup> Ibid.

<sup>5</sup> "The judge sentenced Nika Gvaramia to imprisonment", information portal "Radio Liberty", May 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31852346.html>, accessed: 10.06.2022.

<sup>6</sup> "The court sentenced Nika Gvaramia to 3.5 years in prison", information portal "Civil.ge", May 16, 2022, available at: <https://civil.ge/ka/archives/490298>, accessed: 10.06.2022.

<sup>7</sup> "Lawyers will appeal the verdict against Nika Gvaramia", information portal "Radio Liberty", May 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31852485.html>, accessed: 10.06.2022.

<sup>8</sup> Facebook page of the Public Defender of Georgia, May 15, 2022, available at: <https://bit.ly/3NIo8nE>, accessed: 10.6.2022.

<sup>9</sup> "Amicus curiae brief on the case of Nika Gvaramia", Public Defender of Georgia, Official Website of the Public Defender, November 4, 2019, available at: <https://bit.ly/3xpZMIq>, accessed: 10.06.2022.

<sup>10</sup> Facebook page of the Public Defender of Georgia, May 15, 2022, available at: <https://bit.ly/3NIo8nE>, accessed: 10.06.2022.

<sup>11</sup> "The verdict on the case of Nika Gvaramia is illegal and politically motivated", Georgian Young Lawyers Association, official website of the Georgian Young Lawyers Association, May 16, 2022, available at: <https://bit.ly/3Q5ZxdQ>, accessed: 10.06.2022.

<sup>12</sup> Ibid.

<sup>13</sup> "Politicians respond to Nika Gvaramia's arrest", information portal "Civil.ge", May 16, 2022, available at: <https://civil.ge/ka/archives/490521>, accessed: 10.06.2022.

<sup>14</sup> Ibid.

of the Mtavari Arkhi TV as an illustration of “nonexistence of a fair trial” and an attempt to establish “total control over the free media” in the country.<sup>15</sup> Giorgi Vashadze, the leader of Strategy Builder, said the case was “entirely politically motivated”.<sup>16</sup> The chairperson of European Georgia, Giga Bokeria, described Gvaramia’s arrest as a “demonstration of force”.<sup>17</sup> Khatuna Samnidze, chairperson of the Republican Party, called the decision a manifestation of “political justice” and “personal revenge”.<sup>18</sup>

The decision was followed by a critical international response.<sup>19</sup> Republican Senator Jim Risch, a member of the U.S. Senate Foreign Relations Committee, wrote on Twitter that Nika Gvaramia had been sentenced in prison on “politically motivated charges”.<sup>20</sup> According to the US Embassy in Georgia, the court ruling “called into question Georgia’s commitment to the rule of law”.<sup>21</sup> The British embassy in Georgia said that they were “disappointed” by the arrest of Nika Gvaramia and pointed out to a “significant” deterioration in Georgia’s index of international press freedom.<sup>22</sup>

MEP Miriam Lexmann (European People’s Party, Christian Democrats) described the arrest of the former director of Rustavi 2 TV as a “serious attack on media freedom” and noted that the event could not be ignored in light of Georgia’s application for EU membership.<sup>23</sup> On May 17, leading MEPs<sup>24</sup> working on Georgia issued a joint statement.<sup>25</sup> According to the statement, the verdict on Gvaramia’s case was delivered “without persuasive evidence” and was a “continuation of deteriorating rule of law” in Georgia.<sup>26</sup> According to the signatories, the decision “endangered Georgia’s European future”<sup>27</sup> and “irreparably harmed its reputation”.<sup>28</sup>

According to international human rights organization Amnesty International, the court ruling was politically motivated and served to “stifle freedom of expression”.<sup>29</sup> The organization demanded Nika Gvaramia’s immediate release.<sup>30</sup>

Representatives of the ruling Georgian Dream - Democratic Georgia party responded to local and international assessments. The party’s chairperson, Irakli Kobakhidze described the local and international assessments regarding the arrest of the General Director of the Mtavari Arkhi TV as a “hysterical campaign” aimed at politicizing justice.<sup>31</sup> Nikoloz Samkharadze, a Georgian Dream MP, said that the MEPs’ assessments regarding the case of the

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<sup>15</sup> Facebook page of “Lelo for Georgia”, May 16, 2022, available at: <https://bit.ly/3mzQVP6>, accessed: 10.06.2022.

<sup>16</sup> Facebook page of “Mtavari Channel”, May 16, 2022, available at: <https://bit.ly/397QkRC>, accessed: 10.06.2022.

<sup>17</sup> “How the Opposition Responds to the Arrest of Nika Gvaramia”, information portal “Radio Liberty”, May 16, 2022, available at: <https://www.radiotavisupleba.ge/a/31852719.html>, accessed: 10.06.2022.

<sup>18</sup> Ibid.

<sup>19</sup> “Attempt to silence political opponents, attack on media freedom – partners’ responses to Gvaramia’s case”, information portal “Radio Liberty”, May 17, 2022, available at: <https://www.radiotavisupleba.ge/a/31854546.html>, accessed: 10.06.2022.

<sup>20</sup> Senate Foreign Relations Committee Ranking Member, Twitter post, May 17, 2022, 2:10 AM, available at: <https://twitter.com/SenateForeign/status/1526324232770166784>, accessed: 10.06.2022.

<sup>21</sup> US Embassy ‘Questions’ Georgia’s Commitment to Rule of Law, information portal “Civil.ge”, May 16, 2022, available at: <https://civil.ge/ka/archives/490467>, accessed: 10.06.2022.

<sup>22</sup> Facebook Page of British Embassy Tbilisi, May 16, 2022, available at: <https://bit.ly/3mARQPf>, accessed: 10.06.2022.

<sup>23</sup> Miriam M. Lexmann, Twitter post, May 16, 2022, 7:58 PM, available at: <https://twitter.com/MiriamMLex/status/1526230630316507137/photo/1>, accessed: 10.06.2022.

<sup>24</sup> Michael Gahler (European People’s Party, Christian Democrats), Andrius Kubilius (European People’s Party, Christian Democrats), Sven Mikser (Progressive Alliance of Socialists and Democrats), Raphaël Glucksmann (Progressive Alliance of Socialists and Democrats), Markéta Gregorová (Group of the Greens/European Free Alliance), Viola von Cramon (Group of the Greens/European Free Alliance), Petras Auštrevičius (Renew Europe Group).

<sup>25</sup> MEPs: Arrest of Nika Gvaramia “poses a serious threat to Georgia’s European future”, information portal „Civil.ge”, May 17, 2022, available at: <https://civil.ge/ka/archives/490835>, accessed: 10.06.2022.

<sup>26</sup> “Ungrounded verdict against director of critical media – Mr. Nikoloz Gvaramia”, Official Website of MEP Viola von Cramon, May 17, 2022, available at: <https://violavoncramon.eu/neuigkeiten/inhalt/gvaramia/>, accessed: 10.06.2022.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> “Georgia: Sentencing of pro-opposition media owner Nika Gvaramia a political motivated silencing of dissenting voice“, Amnesty International, Official Website of Amnesty International, May 17, 2022, available at: <https://bit.ly/3xBS1Ac>, accessed: 10.06.2022.

<sup>30</sup> Ibid.

<sup>31</sup> “Irakli Kobakhidze calls the assessments about Gvaramia’s case a “hysterical campaign”, information portal “Radio Liberty”, May 17, 2022, available at: <https://www.radiotavisupleba.ge/a/31854293.html>, accessed: 10.06.2022.

General Director of the Mtavari Arkhi TV were “biased”.<sup>32</sup> He also noted that the majority of MEPs openly supported the Georgian Dream opponents.<sup>33</sup>

## II. THE CASE OF MIKHEIL SAAKASHVILI

According to a report released by the Public Defender’s Office on April 27,<sup>34</sup> Mikheil Saakashvili’s health condition deteriorated and it was recommended that he undergo a full course of treatment for rehabilitation.<sup>35</sup> Following the publication of the report, Mikheil Saakashvili’s family and members of the United National Movement (UNM) actively demanded that the third president be transferred abroad for medical treatment.<sup>36</sup> On May 2, Justice Minister Rati Bregadze called it a “pack of lies” to the claim that Mikheil Saakashvili was not receiving adequate medical care.<sup>37</sup> In a statement issued on May 8, the Special Penitentiary Service noted that Mikheil Saakashvili’s health condition was stable and called on “politically engaged entities” to refrain from “speculating on the health condition” of the third president.<sup>38</sup>

On May 10, in order to “avoid possible complications”, the Georgian government offered to transfer Mikheil Saakashvili to a private clinic “Vivamed” for examination.<sup>39</sup> After the examinations, Mikheil Saakashvili would stay in Vivamedi if the doctors deemed it necessary.<sup>40</sup> He agreed to the offer, though he set certain conditions.<sup>41</sup> The Ministry of Justice called the conditions of the third president “conditional consent equivalent to an ultimatum”.<sup>42</sup> On May 12, the patient was transferred to Vivamedi.<sup>43</sup> On May 24, the clinic issued a statement saying that Mikheil Saakashvili’s health condition had not deteriorated during his hospitalization and that “observation in dynamics” was recommended.<sup>44</sup> On May 25, the Tbilisi City Court granted a motion filed by the former president’s lawyers to admit experts of the Empathy Centre to the patient for an independent examination.<sup>45</sup>

It is noteworthy that the transfer of the third president to a private clinic was preceded by numerous calls from international partners. On May 5, US Ambassador to Georgia Kelly Degnan called on the authorities to take the

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<sup>32</sup> “According to the Georgian Dream MP, the assessment of the MEPs in Gvaramia’s case is “biased””, information portal “Civil.ge”, May 19, 2022, available at: <https://civil.ge/ka/archives/491440>, accessed: 10.06.2022.

<sup>33</sup> Ibid.

<sup>34</sup> “Conclusion #6 of the group of specialists / experts created by the Public Defender on the results of monitoring the medical condition of Mikheil Saakashvili”, the official website of the Public Defender, April 27, 2022 available at: <https://bit.ly/3xD9s3j>, accessed: 10.06.2022.

<sup>35</sup> Lika Chkhetiani, Newsletter N31, April 2022, Georgian Young Lawyers’ Association, p. 4, website of Georgian Young Lawyers’ Association, available at: <https://bit.ly/3zrJRMf>, accessed: 10.06.2022.

<sup>36</sup> “Supporters demand Mikheil Saakashvili to be taken abroad, the government refuses”, information portal “Civil.ge”, May 7, 2022 available at: <https://civil.ge/ka/archives/489381>, accessed: 10.06.2022.

<sup>37</sup> “Bregadze on Saakashvili’s Transfer: Every Prisoner Has Adequate Medical Care”, information portal “Radio Liberty”, May 2, 2022, available at: <https://www.radiotavisupleba.ge/a/31830484.html>, accessed: 10.06.2022.

<sup>38</sup> Penitentiary Service: “Saakashvili’s condition is stable, refrain from speculating on his health condition”, May 8, 2022, available at: <https://www.radiotavisupleba.ge/a/31839583.html>, accessed: 10.06.2022.

<sup>39</sup> “The government offers Mikheil Saakashvili to be taken to a clinic for examination”, information portal „Civil.ge”, May 10, 2022, Available at: <https://civil.ge/ka/archives/489605>, accessed: 10.06.2022.

<sup>40</sup> Ibid.

<sup>41</sup> Permanent admission of family members, admission of lawyers and members of parliament during working hours, involvement of the Centre “Empathy” and the Office of the Public Defender in the treatment process. See: “Mikheil Saakashvili agrees to be transferred to “Vivamedi” Clinic, and names the conditions”, information portal “Radio Liberty”, May 10, 2022, available at: <https://www.radiotavisupleba.ge/a/31843103.html>, accessed: 10.06.2022.

<sup>42</sup> The Ministry of Justice calls on Mikheil Saakashvili to use the offered medical service without “ultimatums”, information portal “Radio Liberty”, May 11, 2022, available at: <https://www.radiotavisupleba.ge/a/31844355.html>, accessed: 10.06.2022.

<sup>43</sup> “Mikheil Saakashvili was taken to Vivamedi Medical Centre”, information portal “Radio Liberty”, May 12, 2022, available at: <https://www.radiotavisupleba.ge/a/31845802.html>, accessed: 10.06.2022.

<sup>44</sup> “Clinic “Vivamedi” disseminates information about Saakashvili’s health condition”, information portal “Radio Liberty”, May 24, 2022, available at: <https://www.radiotavisupleba.ge/a/31865737.html>, accessed: 10.06.2022.

<sup>45</sup> “The judge instructed the penitentiary service to admit experts to Mikheil Saakashvili”, information portal “Radio Liberty”, May 25, 2022, available at: <https://www.radiotavisupleba.ge/a/31867190.html>, accessed: 10.06.2022.

ombudsman's recommendations on the patient's health seriously.<sup>46</sup> EU Ambassador Carl Hartzell noted that he was concerned about reports of Mikheil Saakashvili's health, stressing that the government was "fully responsible for both the physical and mental health of the third president".<sup>47</sup> The European People's Party has called on the Georgian government to transfer the former president to a well-equipped medical facility.<sup>48</sup> On May 6, Moldovan President Maia Sandu wrote on Twitter that reports about Mikheil Saakashvili's deteriorating health condition were worrying.<sup>49</sup>

### III. LEGISLATIVE CHANGES REGARDING THE RECOGNITION OF THE AUTHORITY OF A SAKREBULO MEMBER ELECTED IN THE BY-ELECTIONS

On May 4, members of the Georgian Parliament<sup>50</sup> initiated draft organic laws amending the Election Code of Georgia and the Local Self-Government Code.<sup>51</sup> According to the submitted initiative, it would no longer be necessary for the Sakrebulo to recognize the authority of the majoritarian member who won the local self-government by-elections and to start exercising the mandate on the 11<sup>th</sup> day after the announcement of the final election results by the Central Election Commission.<sup>52</sup>

Mikheil Sarjveladze, a member of the Georgian Dream, called the proposed change a "very good and correct initiative,"<sup>53</sup> but representatives of the opposition parties have criticized the draft law. Ana Kobakhidze, one of the leaders of Strategy Aghmashenebeli and a member of the Central Election Commission, stated that the CEC was not a body that had to decide on the issue of mandates and that adding this "function" would become the "most dangerous provision" in the Election Code.<sup>54</sup> UNM MP Ana Tsitlidze noted that the draft law served the Georgian Dream party's goals and was tailored to the crisis happening in the Batumi City Sakrebulo, where a mandate of Georgian Dream majoritarian MP could not be recognized due to a lack of quorum.<sup>55</sup> At her initiative, if the ruling party wanted to make changes, the principle of fairness required that the initiative be extended to proportionally elected deputies in the by-elections.<sup>56</sup> Thus, the problem would be solved in Senaki City Sakrebulo as well, where due to the lack of quorum; it was not possible to recognize the authority of a member of parliament for the party "For Georgia".<sup>57</sup>

**GYLA too attended the parliamentary discussion of the initiated changes.<sup>58</sup> The organization published**

<sup>46</sup> "Supporters demand Mikheil Saakashvili to be transferred abroad, the government refuses", information portal "Civil.ge", May 7, 2022, available at: <https://civil.ge/ka/archives/489381>, accessed: 10.06.2022.

<sup>47</sup> "EU Ambassador: The government is fully responsible for Saakashvili's health", information portal "Civil.ge", May 7, 2022, available at: <https://www.radiotavisupleba.ge/a/31831990.html>, accessed: 10.06.2022.

<sup>48</sup> "EPP on Saakashvili's condition: We call on the Georgian Dream to recognize the gravity of the situation", information portal Radio Liberty, May 6, 2022, available at: <https://www.radiotavisupleba.ge/a/31837149.html>, accessed: 10.06.2022.

<sup>49</sup> Maia Sandu, Twitter post, May 6, 2022, 10:07 PM, available at: <https://twitter.com/sandumaiamd/status/1522639246670110720?s=20&t=CHvbMX5TveTvej5unF2drw>, accessed: 10.06.2022.

<sup>50</sup> Anri Okhanashvili, Davit Matikashvili, Irakli Shatakishvili, Rati Ionatamishvili, Guram Macharashvili.

<sup>51</sup> The draft Law on Amendments to the Organic Law of Georgia on Local Self-Government Code; Draft Law on Amendments to the Organic Law of Georgia on the Election Code of Georgia, the official website of the Parliament of Georgia, available at: <https://bit.ly/3xzIH17>, accessed: 10.06.2022.

<sup>52</sup> "The date of the beginning of the term of office of the member of the local assembly elected as a result of the by-elections is changing", information portal "Interpressnews", May 18, 2022, available at: <https://bit.ly/3HeCZUq>, accessed: 10.06.2022.

<sup>53</sup> "According to Mikheil Sarjveladze's assessment, "If the CEC recognizes the parliamentary authority of the excluded majoritarian of the Batumi local assembly instead of the local assembly, it will be a very good and correct initiative", information portal "Interpressnews", May 6, 2022, available at: <https://bit.ly/3xDBCLO>, accessed: 10.06.2022.

<sup>54</sup> "Ana Kobakhidze - The CEC is not a body that has to decide on the issue of granting a mandate, it will be the most dangerous entry in the Code", information portal "Interpressnews", May 6, 2022, available at: <https://bit.ly/3xm2fmR>, accessed: 10.06.2022.

<sup>55</sup> "The Committee on Regional Policy and Self-Government supported the draft law in the first reading with the bill, which provides for the CEC to recognize the authority of the local assembly excluded from the local assembly", information portal "Interpressnews", May 18, 2022, available at: <https://bit.ly/3mGEM15>, accessed: 10.06.2022.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> "The rule for determining the term of office of the candidate who wins the local self-government by-elections is changing", the official website of the Parliament of Georgia, May 20, 2022, available at: <https://bit.ly/3xMWbW0>, accessed: 10.06.2022.

its assessment on the changes<sup>59</sup> and submitted a conclusion to the parliament.<sup>60</sup> According to GYLA, the initiative worsened the quality of local democracy, weakened the standard of decentralization, and served to “achieve unilateral party goals”.<sup>61</sup> The aforementioned was evident in the fact that the legislative initiative sought to resolve solely the crisis in Batumi, but left unanswered the similar situation in the Senaki City Sakrebulo, where the proportionally elected opposition MP could not be recognized due to the boycott of the Sakrebulo sittings by the Georgian Dream.<sup>62</sup> GYLA called on the parliament to resolve the crisis in Sakrebulos not with discriminatory and unsubstantiated initiatives, but with temporary anti-crisis norms focused on the realization of the will of the voters”.<sup>63</sup>

On May 24, by the draft law passed in the second reading, the parliament extended the proposed anti-crisis mechanism to the proportionally elected deputies.<sup>64</sup> In addition, based on consultations with the CEC, the date of beginning the term was set at the 14th day after the publication of the summary protocol of the final results.<sup>65</sup> The parliamentary opposition also supported the proposed final changes.<sup>66</sup>

## IV. DISTRIBUTION OF POSITIONS IN SAKREBULOS

Ramaz Jincharadze, a majoritarian member of the Georgian Dream elected as a result of the Batumi City Sakrebulo by-elections on April 12, could not be recognized due to the lack of a quorum.<sup>67</sup> On May 25, based on the above-mentioned legislative changes in the Election Code and the Local Self-Government Code, Jincharadze’s authority was recognized not on the basis of the Sakrebulo sitting, but on the basis of the CEC summary protocol.<sup>68</sup> At the May 30 sitting, Ramaz Jincharadze was also elected as a chairperson of the Batumi City Sakrebulo.<sup>69</sup> The members of the “United National Movement” boycotted the session.<sup>70</sup> At the same sitting, Irakli Kupradze, the only MP elected from the Lelo for Georgia party, announced his decision to leave the City Sakrebulo.<sup>71</sup> He noted that he could no longer see his role in the Sakrebulo because the “disgraceful elections” conducted by the Georgian Dream had damaged the democratic processes in the Sakrebulo.<sup>72</sup>

The post-crisis local elections in May continued in the Senaki City Sakrebulo.<sup>73</sup> In February, amid a procedural

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<sup>59</sup> “GYLA submitted a report to the Parliament on the beginning of the term of office of the majoritarian member elected in the interim elections of the City Sakrebulo”, Georgian Young Lawyers’ Association, official website of the Georgian Young Lawyers’ Association, May 20, 2022, available at: <https://bit.ly/3zyIcV5>, accessed: 10.05.2022.

<sup>60</sup> “Conclusion on Draft Organic Laws - On Amendments to the Organic Law of Georgia” Election Code of Georgia “and on Amendments to the Organic Law of Georgia” Local Self-Government Code”, Georgian Young Lawyers’ Association, the official website of the Georgian Young Lawyers’ Association, May 20, 2022, available at: <https://bit.ly/3NUqhfW>, accessed: 10.06.2022.

<sup>61</sup> Ibid, p. 1

<sup>62</sup> Ibid, p. 7.

<sup>63</sup> Ibid, p. 8.

<sup>64</sup> “Along with the recognition of the authority of the majoritarian winner in the by-elections of the local Sakrebulo, the rule of recognition of the authority of the proportionally elected replacement will also change”, information portal “Interpressnews”, May 24, 2022, available at: <https://bit.ly/3xfjy9g>, accessed: 10.05.2022.

<sup>65</sup> “The draft organic law on the Electoral Code will be amended on the basis of an agreement reached between the parliamentary majority and the opposition”, the official website of the Parliament of Georgia, May 24, 2022, available at: <https://bit.ly/3xObiyv>, accessed: 10.06.2022.

<sup>66</sup> “Along with the recognition of the authority of the majoritarian winner in the interim elections of the local assembly, the rule of recognition of the authority of the proportionally elected replacement is also changing”, information portal “Interpressnews”, May 24, 2022, available at: <https://bit.ly/3xfjy9g>, accessed: 10.05.2022.

<sup>67</sup> Lika Chkhetiani, Newsletter № 31, April 2022, Georgian Young Lawyers’ Association, Official Website of the Georgian Young Lawyers’ Association, p. 3, available at: <https://bit.ly/3zrJRMf>, accessed: 10.06.2022.

<sup>68</sup> “Batumi local assembly was able to elect a representative of the Georgian Dream after 6 months”, information portal “Radio Liberty”, May 30, 2022, available at: <https://www.radiotavisupleba.ge/a/31874811.html>, accessed: 10.06.2022.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Nino Kapanadze, “Minority in Majority: Procedural War and Post-Election Crisis in local assemblies”, Georgian Young Lawyers’ Association, Tbilisi, 2022, p. 79, available at: <https://bit.ly/3tPRR6f>, accessed: 10.06.2022.

dispute, the Senaki District Court suspended the powers of the chairperson based on a lawsuit filed by the Georgian Dream.<sup>74</sup> The new chairperson of the City Sakrebulo was not elected in May either.<sup>75</sup>

At the same time, on May 30, Senaki City Sakrebulo member Vakhtang Tsurtsunia from the United National Movement applied to the City Sakrebulo with a request to terminate his authority on the basis of a personal statement.<sup>76</sup> Lasha Kuchava, the chairperson of the United National Movement faction in the Senaki City Sakrebulo, said the same day that Tsurtsunia was missing and could not be found since morning.<sup>77</sup> In his opinion, the MP has been under pressure and intimidation from the Georgian Dream for a long time.<sup>78</sup>

The last authorized session of the City Sakrebulo was held on December 17,<sup>79</sup> which means that if a new sitting is not held by June 17, the term of the City Sakrebulo may be terminated prematurely and Senaki will be subject to direct state governance. This is based on Articles 142 and 143 of the Local Self-Government Code, according to which if the City Sakrebulo does not convene for six consecutive months, it could be the basis for the introduction of direct governance by the government.

## V. GEORGIA'S APPLICATION FOR EU MEMBERSHIP: EXPECTATIONS RELATED TO OBTAINING CANDIDATE STATUS

On May 2, Prime Minister Irakli Gharibashvili handed over the first part of the completed EU Self-Assessment Questionnaire to EU Ambassador Carl Hartzell.<sup>80</sup> On May 10, Georgia submitted the second part of the questionnaire.<sup>81</sup> Georgia is expected to hear a decision of the EU Council on candidate status by the end of June.<sup>82</sup>

Following the completion of the Questionnaire, different statements were made about Georgia's prospects for obtaining the status of EU candidate. On May 25, at the World Economic Forum in Davos Prime Minister Gharibashvili stated that Georgia had been pursuing ambitious reforms since 2014.<sup>83</sup> Now, in the light of the changes taking place in the world, the country was expecting "clarity and a relevant, adequate response" from the European Union.<sup>84</sup>

On May 30, Irakli Kobakhidze, chairperson of the Georgian Dream party, said that Georgia had already fulfilled 45% of its obligations under the Association Agreement with EU, ahead of not only Ukraine and Moldova in all parameters, but even some candidate countries; consequently, it was unclear why the EU should deny the candidate status for Georgia.<sup>85</sup>

On May 25, parliamentary opposition parties and independent deputies applied to the European Union for candidate status for Georgia.<sup>86</sup> In a joint statement, they noted that the Georgian people should not have to pay "such a high price for the wrong steps taken by the government".<sup>87</sup> The only opposition parliamentary party that did not

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> "Vakhtang Tsurtsunia, a member of the Senaki local assembly from the National Movement, is leaving the City Sakrebulo", information portal "Interpressnews", May 30, 2022, Available at: <https://bit.ly/3HpD4ES>, accessed: 10.06.2022.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Nino Kapanadze, "Minority in Majority: Procedural War and Post-Election Crisis in local assemblies", Georgian Young Lawyers' Association, Tbilisi, 2022, p. 79, available at: <https://bit.ly/3tPRR6f>, accessed: 10.06.2022.

<sup>80</sup> Irakli Garibashvili, Twitter post, May 2, 2022, 3:38 PM, available at: <https://bit.ly/3NGJNwo>, accessed: 10.06.2022.

<sup>81</sup> Carl Herrzell, Twitter post, May 10, 2022, 3:12 PM, available at: <https://bit.ly/39iV0UU>, accessed: 10.06.2022.

<sup>82</sup> "Georgia handed over the second part of the completed questionnaire to the European Union", information portal "Radio Liberty", May 10, 2022, available at: <https://www.radiotavisupleba.ge/a/31842804.html>, accessed: 10.06.2022.

<sup>83</sup> Gharibashvili: We need an adequate response from the European Union, information portal "Radio Liberty", May 25, 2022, available at: <https://www.radiotavisupleba.ge/a/31867112.html>, accessed: 10.06.2022.

<sup>84</sup> Ibid.

<sup>85</sup> "Kobakhidze: EU has no reason to reject Georgia's candidacy, information portal "Radio Liberty", May 30, 2022, available at: <https://www.radiotavisupleba.ge/a/31874799.html>, accessed: 10.06.2022.

<sup>86</sup> "Opposition has applied to the European Union for candidate status", information portal "Radio Liberty", May 26, 2022, available at: <https://civil.ge/ka/archives/492610>, accessed: 10.06.2022.

<sup>87</sup> Ibid.



join the statement was the European Socialists.<sup>88</sup>

On May 30, Karl Hartzell stated that “Georgia could have been better prepared for this historic moment” because “the pace of reforms has slowed down” and the EU was increasingly concerned about “the current trajectory of the country”.<sup>89</sup> He also added that no matter what the Council of the EU decides on the status of the candidate; Georgia should start working on “steady progress towards the EU”.<sup>90</sup>

Earlier, on May 12, in an online panel discussion organized by GYLA,<sup>91</sup> Nicholas Cendrowicz, Deputy Head of the Directorate-General of European Commission’s Neighbourhood and Enlargement Negotiations, named the issue of judicial independence and the high level of political polarization as Georgia’s main challenges in considering the EU membership application.<sup>92</sup> At the same time, he pointed to Georgia’s strengths, such as a strong civil society, well-functioning public administration, and an economy that is “largely in line” with the EU economy.<sup>93</sup>

According to an article<sup>94</sup> published by the Centre for European Policy Studies (CEPS) in Brussels on May 20, Georgia, unlike Ukraine and Moldova, was not ready to receive EU candidate status. The reasons for this were the concentration of political power in the hands of the unelected leader and the pressure on opposition politicians and members of the media.<sup>95</sup> Prime Minister Irakli Gharibashvili stated about the article that he did not care who what “scrawled”,<sup>96</sup> and the Parliament Speaker Shalva Papuashvili noted that the article was “carelessly” drafted.<sup>97</sup>

On May 26, on the occasion of Georgia’s Independence Day, MEP Viola von Cramon said that when Georgia gets back to the path of democratization, it will be welcome in the European family.<sup>98</sup>

## VI. ASSOCIATION AGENDA FOR 2021-2027

On May 23, the EU Delegation to Georgia announced that the Association Agenda 2021-2027 had already been agreed and made public and was waiting for final approval.<sup>99</sup> The document was based on the 2017-2020 Association Agenda and aimed at Georgia’s integration and harmonisation with EU structures and legislation.<sup>100</sup>

The main task on the agenda is to carry out ambitious reforms in the direction of democracy and the rule of law.<sup>101</sup> The agenda set out the following priorities: holding transparent, inclusive and credible elections and implement-

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<sup>88</sup> Ibid.

<sup>89</sup> Ambassador of the European Union: “Georgia could have been better prepared for this historic moment”, information portal “Radio Liberty”, May 30, 2022, available at: <https://www.radiotavisupleba.ge/a/31874956.html>, accessed: 10.06.2022.

<sup>90</sup> “Hartzell: It does not matter how the European Commission decides on the status of membership, it’s time for Georgia to start working”, information portal “Radio Liberty”, May 30, 2022, available at: <https://www.radiotavisupleba.ge/a/31874812.html>, accessed: 10.06.2022.

<sup>91</sup> “Georgia’s road to the European Union: where do we stand?” The Facebook page of the Georgian Young Lawyers’ Association, May 12, 2022, available at: <https://bit.ly/3aIMhM3>, accessed: 10.06.2022.

<sup>92</sup> “EU representative talks about Georgia’s strengths and weaknesses”, information portal “Civil.ge”, May 13, 2022, available at: <https://civil.ge/ka/archives/490177>, accessed: 10.06.2022.

<sup>93</sup> Ibid.

<sup>94</sup> “Georgia’s dubious application for EU membership”, Centre for European Policy Studies, May 20, 2022, available at: <https://www.ceps.eu/georgias-dubious-application-for-eu-membership/>, accessed: 10.06.2020.

<sup>95</sup> Ibid.

<sup>96</sup> “The Prime Minister says he is not interested in the scrawl of the Centre for European Policy Studies”, information portal “Civil.ge”, May 23, 2022, available at: <https://civil.ge/ka/archives/491769>, accessed: 10.05.2022.

<sup>97</sup> “Shalva Papuashvili: There are inaccuracies in the article of the CEPS authors and it has been negligently compiled”, information portal “Radio Liberty”, May 24, 2022, available at: <https://www.radiotavisupleba.ge/a/31865132.html>, accessed: 10.06.2022.

<sup>98</sup> “Cramon: When you get back to the path of democratization with your values, we will welcome you to the European family”, information portal “Radio Liberty”, May 26, 2022, available at: <https://www.radiotavisupleba.ge/a/31869627.html>, accessed: 10.06.2022.

<sup>99</sup> Facebook page of European Union in Georgia, May 23, 2022, available at: <https://bit.ly/3tt3uQa>, accessed: 10.06.2022.

<sup>100</sup> “EU-Georgia Association Agenda Emphasizes Need for ‘Ambitious Reforms’”, Information Portal “Civil.ge”, available at: <https://civil.ge/ka/archives/492119>, accessed: 10.06.2022.

<sup>101</sup> “Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Association Council established under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, on the adoption of the EU-Georgia Association Agenda”, Access to the European Law, 2022, available at: <https://bit.ly/3MDRB0z>, accessed: 10.06.2022.

ing OSCE/ODIHR recommendations, implementing third and fourth tier justice reforms, developing a national anti-corruption strategy, supporting media freedom, and more.<sup>102</sup>

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<sup>102</sup> Ibid.