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YOUNG
LAWYERS'
ASSOCIATION**

Free, Fair and Equal Electoral-Political 2022-2025 Cycle in Georgia

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INTRODUCTION

Since August 2019, the Georgian Young Lawyers' Association (GYLA) has been implementing the project "Free, Fair and Equal Election" throughout Georgia, covering the electoral political cycle from 2019 to 2022. 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 policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. Currently, we are presenting Newsletter #48, which describes the events of September that have had an impact on the political environment.

1. "GEORGIAN DREAM" ANNOUNCED THE BEGINNING OF THE IMPEACHMENT PROCEDURE AGAINST THE PRESIDENT

On September 1, following a meeting of the "Georgian Dream" political council, party chairman Irakli Kobakhidze announced during a press briefing that the party had reached a decision to initiate impeachment proceedings against the President of Georgia.¹ According to his explanation, the President violated the constitutional provision that mandated obtaining government approval before exercising representative powers in foreign relations.²

Kobakhidze stated that the President of Georgia's position, claiming that "Georgia did not deserve to receive candidate status last year, and the country's parliament and government are still only formally meeting the requirements of the European Union",³ contradicted the approaches of the Georgian government and is counterproductive in terms of receiving candidate status.⁴

Kobakhidze further clarified that the completion of the impeachment procedure would necessitate the support of 100 deputies, making it contingent on opposition backing for any viable prospects of implementation.⁵

Subsequent to this announcement, there ensued a prior exchange of information on August 30, between the administration of the President of Georgia and the Government. The President had proffered visits designed to fortify the country's European integration endeavors. However, the Government formally declined this proposal in writing on August 3, through an official decree.⁶

In spite of the government's denial of the proposed visit and the subsequent announcement of impeachment proceedings, Salome Zourabichvili proceeded with her scheduled visits. On September 1, she held a meeting with Charles Michel, the President of the European Council, in Brussels.⁷ A Day before, Zourabichvili visited her colleague in Germany,⁸ and on September 6, she held a meeting with French President Emmanuel Macron in Paris.⁹

The President of the European Council responded to Zourabichvili's visit through social media and expressed a positive appraisal of the President's commitment to "advance the country's European perspective".¹⁰ Michel's

¹ Official "Facebook" page of Irakli Kobakhidze, September 1, 2023, available at: <https://www.facebook.com/KobakhidzeOfficial/videos/807348157543052/>, updated: 12.10.2023.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Nika Odikadze, "Government's Refusal of President's Visits", Newsletter No. 47, August 6, 2023, available at: <https://shorturl.at/gstY1>, updated: 12.10.2023.

⁷ "Salome Zourabichvili met with the President of the European Council, Charles Michel", the official Facebook page of the "Mtavari Channel" television company, September 1, 2023, available at: <https://www.facebook.com/TvMtavari/videos/6591768050881026>, updated: 12.10.2023.

⁸ "The President of Georgia met with the President of Germany", information portal "Radio Tavisupleba", August 31, 2023, available at: <https://www.radiotavisupleba.ge/a/32572641.html>, updated: 12.10.2023.

⁹ Ibid.

¹⁰ "Michel positively evaluates the desire of the President of Georgia to promote the European perspective of the country", "Radio Tavisupleba", September 1, 2023, available at: <https://www.radiotavisupleba.ge/a/32574647.html>, updated: 12.10.2023.

statement also emphasized the significance of justice reform, depolarization, de-oligarchization, and the establishment of an inclusive political culture.¹¹

According to Paata Manjgaladze, deputy of the “Strategy Agmashenebeli” party, initiating the president’s impeachment in parliament over her support for the European course is perceived as a concession to Putin. He went on to state that endorsing the impeachment proposal would be viewed as an act of betrayal.¹²

Irakli Kupradze, one of the leaders of the “Lelo” party, also called the initiation of the impeachment procedure a “pro-Russian” decision. According to his assessment, “Georgian Dream” would not be able to finish the procedure.¹³

Giorgi Gakharia, the leader of the “For Georgia” party, criticized the ruling party’s decision, considering it a step contrary to the country’s European aspirations. He argued that this move could lead to increased radicalization, confrontation, and polarization within the nation, ultimately posing a threat to stability.¹⁴

The non-governmental sector evaluated the government’s decision as an attack on the country’s aspirations to join the European Union and called on the Georgian government to stop the impeachment procedure.¹⁵

Michael Roth, Chairman of the German Bundestag’s Foreign Affairs Committee, took to social media to express his concern over the initiation of the presidential impeachment process. He pointed out that the actions of the “Georgian Dream” posed a threat to the European aspirations of the Georgian people.¹⁶ Roth expressed solidarity with the President of Georgia and called her a real European leader.¹⁷

In response to inquiries about the Georgian government’s move to initiate the impeachment process, Vedant Patel, Deputy Spokesman of the US State Department, underscored the European aspirations of the Georgian populace. He urged unity in working towards this objective.¹⁸ Patel emphasized that the Georgian people have unequivocally articulated their vision for the future, which includes a strong desire for European integration. Achieving this goal requires a steadfast commitment to fulfilling the priorities established by European partners.¹⁹

2. GEORGIA AND THE EUROPEAN UNION

2.1. Assessments of the European Commissioner for Neighborhood Policy and Enlargement on EU expansion and the issue of Georgia

The European Commissioner for Neighborhood Policy and Enlargement, Olivér Várhelyi, in his comment made on September 13, touched upon the prospect of Georgia obtaining candidate status and stated that the European Council has very clearly defined the conditions to be fulfilled for Georgia to obtain the status.²⁰ According to him, the government has fulfilled only 3 of the 12 priorities presented at this stage.²¹ The European Commissioner hopes that “Georgia will fulfill the conditions so that the European Commission can come up with a positive pro-

¹¹ Ibid.

¹² “Sabotage of European integration - the parliamentary opposition assesses the start of the impeachment procedure of the President”, information portal “Radio Tavisupleba”, September 1, 2023, available at: <https://www.radiotavisupleba.ge/a/32574196.html>, updated: 12.10.2023.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ “Georgian Dream” harms the European integration process through impeachment”, the official website of “Open Society Foundation”, available at: <https://shorturl.at/deyY3>, updated: 12.10.2023.

¹⁶ “European partners react to the announcement of the impeachment process of the president”, information portal “Civil.ge”, 1 September 2023, available at: <https://civil.ge/ka/archives/557578>, updated: 12.10.2023.

¹⁷ Ibid.

¹⁸ “US State Department calls on the government and all parties involved to ‘come together’ to implement reforms needed for candidate status”, information portal “Civil.ge”, September 6, 2023, available at: <https://civil.ge/ka/archives/557952>, updated: 12.10.2023.

¹⁹ Ibid.

²⁰ “European Commissioner Olivér Várhelyi: ‘Every minute counts now’”, information portal Civil.ge, September 14, 2023, available at: <https://civil.ge/ka/archives/559135>, updated: 12.10.2023.

²¹ Ibid.

posal for granting the country the status of a candidate”.²²

In an interview with the press on September 28, Olivér Várhelyi announced that the European Union is preparing to unveil a new enlargement package ‘in a few weeks’. This package is set to have implications not only for the countries in the Western Balkans but also for those with candidate or European aspirations.²³ According to Várhelyi, Georgia, Ukraine, and Moldova, in response to Russia’s aggression, immediately expressed their aspiration for EU membership, viewing it as the most robust assurance of long-term peace, stability, and prosperity.²⁴ The European Commissioner also emphasized that the fulfillment of criteria by the countries remained a cornerstone of the enlargement process, which is merit-based.²⁵

2.2. Joseph Borelli’s visit to Georgia

On September 7, the High Representative of the European Union for Foreign Affairs and Security Policy, Joseph Borrelli, undertook an official visit to Georgia.²⁶ During the press briefing preceding the official meetings, Borrelli emphasized the EU’s strong endorsement of Georgia’s path toward EU membership. He underlined that the EU’s door remains open to Georgia, and expressed the EU’s readiness to provide steadfast support on its journey towards EU integration.²⁷ The High Representative of the European Union also underscored the significance of fulfilling the 12 priorities outlined by the European Commission. He emphasized that the aim of these recommendations is not solely to garner favor in Brussels, but fundamentally to enhance the quality of life for Georgian citizens.²⁸

It’s worth noting that just a few days before his visit to Georgia, Borrelli expressed support for the initiative put forth by the President of the European Council, Charles Michel, to establish a timeline for European Union enlargement.²⁹ Charles Michel emphasized the necessity of EU enlargement in August during his address at the Bled Strategic Forum. He highlighted that by 2030, both the EU and the aspiring countries should be prepared for this expansion.³⁰ It is important that Michel also mentioned Georgia in the context of enlargement and noted that in June of last year, Ukraine and Moldova were granted candidate status, and if the necessary steps are taken, Georgia is expected to receive the same status.³¹

On the evening of September 7, Prime Minister Irakli Gharibashvili welcomed the senior representative of the European Union at Mtatsminda. The subsequent day saw an official meeting, concluding with a briefing.³² On September 8, Borelli met with the President of Georgia, Salome Zourabichvili, with whom he discussed the country’s European integration process and regional security issues.³³

Borelli held meetings with the Chairman of the Parliament of Georgia and representatives from both the “Georgian Dream” party and opposition parties.³⁴ He also met with representatives of non-governmental organizations,

²² Ibid.

²³ “Várhelyi: The enlargement package will also concern countries with a European perspective”, information portal “Civli.ge”, September 29, 2023, available at: <https://civil.ge/ka/archives/561473>, updated: 12.10.2023.

²⁴ Ibid.

²⁵ Ibid.

²⁶ “Josep Borelli’s visit to Georgia has begun”, official website of the Georgian Public Broadcaster, September 7, 2023, available at: <https://1tv.ge/news/saqartveloshi-jozef-borellis-viziti-daiwyo/>, updated: 12.10.2023.

²⁷ “Josep Borrell: EU door is open, but candidate status needs merit”, information portal “Civil.ge”, September 7, 2023, available at: <https://civil.ge/ka/archives/558306>, updated: 12.10.2023.

²⁸ Ibid.

²⁹ “Ahead of visit to Georgia, Borrell favors setting the terms of expansion”, information portal “Civil.ge”, September 5, 2023, available at: <https://civil.ge/ka/archives/557817>, updated: 12.10.2023.

³⁰ „Michel: We must be ready, from both sides, for the expansion of 2030”, information portal “Radio Tavisupleba”, August 28, 2023, available at: <https://www.radiotavisupleba.ge/a/32568088.html>, updated: 12.10.2023.

³¹ Ibid.

³² “What Josep Borell brought and what he took from Georgia”, information portal “Radio Tavisupleba”, September 8, 2023, available at: <https://shorturl.at/bjsx2>, updated: 12.10.2023.

³³ “Josep Borell holds meetings in Georgia”, information portal “Civil.ge”, September 8, 2023, available at: <https://civil.ge/ka/archives/558387>, updated: 12.10.2023.

³⁴ “What Josep Borell brought and what he took from Georgia”, information portal “Radio Tavisupleba”, September 8, 2023, available at: <https://shorturl.at/bjsx2>, updated: 12.10.2023

including the Georgian Young Lawyers' Association.³⁵

2.3. “Georgian Dream” plans measures to meet the conditions of the European Commission

At the briefing held after the majority meeting, the chairman of the ruling party stated that, following consultations with Joseph Borrelli and high-ranking officials of the European Commission, four key issues were identified. These issues are expected to show progress by the end of September this year, according to the European Commission's wishes.³⁶

According to Kobakhidze:

- 1) Deputies of the ruling party would reject the current version of the law on de-oligarchization, and the action plan on the said priority would be sent to the Venice Commission.³⁷
- 2) The parliamentary majority planned to prepare a law on common courts, which would also be sent to the Venice Commission.³⁸
- 3) In the first reading, the Parliament would discuss and adopt the draft of amendments to the “Election Code”, which would be related to the issue of electing the CEC chairman and members.³⁹ The draft law would also be sent to the Venice Commission.⁴⁰
- 4) Legislation related to the establishment of an anti-corruption bureau, a special investigation service and a personal data protection service would be sent to the Venice Commission.⁴¹

3. THE POLITICAL PARTIES “GIRCHI - MORE FREEDOM” AND “DROA” ARE FORMING A PRE-ELECTION ALLIANCE

On September 6, the opposition parties “Girchi - more freedom” and “Droa” made an official statement about the creation of an electoral union.⁴² According to the information spread by the parties, the union was based on the existence of common principles, such as: “Zero cooperation with the Russian regime; a clear vision of the future; The motivation is to replace the Soviet one-party system with a modern, Western-type, coalition government.”⁴³

4. THE EUROPEAN COURT OF HUMAN RIGHTS FOUND NO VIOLATION IN THE CASE OF NIKA MELIA

On September 7, the decision of the European Court of Human Rights was published in the case of Nika Melia, the former chairman of the “United National Movement” party.⁴⁴ The case concerned the arrest of Nika Melia on June 20, 2019, in the so-called “Gavrilov Night” case.⁴⁵ The applicant considered that two articles of the European Convention on Human Rights were violated against him, namely Article 5 - the right to freedom and security and

³⁵ “Josep Borell met with representatives of non-governmental organizations”, the official website of the Georgian Public Broadcaster, September 8, 2023, available at: <https://1tv.ge/news/jozef-borelli-arasamtavrobo-organizaciebis-warmomadgenlebs-shekhvda/>, updated: 12.10.2023.

³⁶ “Georgian Dream” plans measures to meet the conditions of the European Commission”, information portal “Civil.ge”, September 19, available at: <https://civil.ge/ka/archives/559774>, updated: 12.10.2023. “,

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² “Girchi - more freedom” and “Droa” form an electoral union”, information portal “Civil.ge”, September 6, 2023, available at: <https://civil.ge/ka/archives/558021>, updated: 12.10.2023.

⁴³ Ibid.

⁴⁴ “Strasbourg Court found no violation in the case of “Melia v. Georgia””, information portal “Civil.ge”, September 7, 2023, available at: <https://civil.ge/ka/archives/558178>, updated: 12.10.2023.

⁴⁵ Ibid.

Article 18 - the scope of the use of restrictions on rights.⁴⁶ Melia believed that the use of pre-trial detention against him was unjustified and was aimed at removing him from political life.⁴⁷ The European Court of Human Rights (Strasbourg Court) deemed the applicant’s arguments insufficient to establish that the detention of Nika Melia served a purpose not covered by the Convention.⁴⁸

5. A DEPUTY OF THE “UNITED NATIONAL MOVEMENT” OF THE TBILISI CITY COUNCIL WAS ATTACKED

On September 22, Irakli Edzgeradze, a member of the City Council from the “United National Movement” party was physically assaulted.⁴⁹ The attack occurred in close proximity to the residence of a City Council deputy, and it involved a large number of individuals. Edzgeradze believes that the assault is connected to his duties within the Tbilisi City Council, specifically, a disagreement he had with Kote Zarnadze, a member of “Georgian Dream,” during a session of the City Council.⁵⁰

Subsequent to the incident, a confrontation unfolded between members of the National Movement and law enforcement. This led to the apprehension of Nika Melia, Bacho Dolidze, and Zviad Kuprava from the National Movement by the police.⁵¹ As per the Ministry of Internal Affairs’ report, law enforcement personnel dispatched to the location near Irakli Edzgeradze’s residence encountered resistance. The individuals present obstructed the officers in the execution of their duties, resorting to both verbal and physical aggression. Subsequently, the police intervened, resulting in the apprehension of three individuals under the purview of the Administrative Offenses Code.⁵²

The trial of the mentioned persons was postponed until October 23, and all three detainees were released from the courtroom.⁵³

According to the police, the investigation into the attack on Edzgeradze was started under the first prima part of Article 126 of the Criminal Code, which refers to a group violence.⁵⁴ On September 24, the Prosecutor’s Office of Georgia filed charges against 6 people for the fact of group violence.

6. THE PROCEDURE FOR ELECTING THE CEC CHAIRMAN AND MEMBERS CONTINUES TO CHANGE

On September 19, the Parliament of Georgia adopted the amendments to the Election Code in the first reading.⁵⁵ Under the proposed amendment, the election of the Central Election Commission (CEC) chairman or member for a 5-year term, instead of the 76 votes stipulated by the current legislation, the support of 3/5 of the total number of members of the Parliament (90 votes) will be required. If a candidate fails to secure the support of 3/5 of the Parliament members, the matter will be subjected to a subsequent vote, with the majority of the overall composition having the authority to select the candidate. In the event that even 76 votes cannot be acquired, the issue will be revisited at the subsequent session, affording the candidate another opportunity to secure the backing of the Parliament with 76 votes. However, if the necessary votes cannot be consolidated in support of a particular

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ “A member of the City Council from the National Movement was beaten, three more members of the party were arrested”, news portal “Civil.ge”, September 22, 2023, available at: <https://civil.ge/ka/archives/560638>, updated: 12.10.2023.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² “The Ministry of Internal Affairs confirms the arrest of Nika Melia, Bacho Dolidze and Zviad Kuprava”, information portal “Radio Tavisupleba”, September 22, 2023, available at: <https://www.radiotavisupleba.ge/a/32605286.html>, updated: 12.10.2023.

⁵³ “Arrested members of the National Movement were released, the process was postponed”, news portal “Civil.ge”, September 24, 2023, available at: <https://civil.ge/ka/archives/560704>, updated: 12.10.2023.

⁵⁴ Ibid.

⁵⁵ “Parliament adopted the amendment to the “Election Code” in the first reading”, the official website of the Georgian Public Broadcaster, September 19, 2023, available at: <https://1tv.ge/news/saarchevno-kodeqshi-cvllileba-parlamentma-pirveli-mosmenit-miigho/>, updated: 12.10.2023.

candidate, in such an instance, the President of the country will appoint a chairman or member of the CEC for a term of five years from among the participants in the competition.⁵⁶

The CEC staffing rule, in effect until June 13, 2023, and aligned with the “Charles Michel Agreement,” stipulated a consensus between the parliamentary majority and the opposition regarding the appointment of the CEC chairman and members,⁵⁷ this implied that the ruling party could autonomously select candidates with 76 votes for only a period of 6 months, after which a new competition had to be announced.⁵⁸ The competitive commission for the selection of candidates was formed by the President of Georgia and he/she presented the selected candidates to the Parliament.⁵⁹

⁵⁶ Ibid.

⁵⁷ „The future path for Georgia” (unofficial translation), p. 4, available at: <https://bit.ly/3DTGuvW>, updated: 12.10.2023.

⁵⁸ Article 10 of the Election Code of Georgia, version effective from June 28, 2021.

⁵⁹ Ibid.