



**USAID**  
FROM THE AMERICAN PEOPLE



**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**

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

**NEWSLETTER №7  
April 1 - May 1, 2020**

**TBILISI, 2020**

**Supervisor:**

Vakhtang Menabde

**Author:**

Mariam Latsabidze

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.



**USAID**  
FROM THE AMERICAN PEOPLE

# INTRODUCTION

In August 2019, The Georgian Young Lawyers' Association (GYLA), with the support of USAID, launched the project "Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia". It covers the territory of Tbilisi, Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Imereti, Samegrelo-Zemo Svaneti, Guria and Adjara.

One of the primary goals of the project is to support improvement of the electoral environment through monitoring and evidence-based advocacy. To this end, GYLA will monitor ongoing political processes and develop recommendations that will be presented to the public and decision-makers.

## STATE OF EMERGENCY AND CONSTITUTIONAL AMENDMENTS

Due to the spread of the novel coronavirus disease (COVID-19), from March 21 to April 21, a state of emergency was declared in the country.<sup>1</sup> On April 22, the Parliament of Georgia approved the Presidential decree<sup>2</sup> by 97 votes against 10,<sup>3</sup> extending the emergency state for another month.

Hence, the discussions over the draft constitutional law have been suspended.<sup>4</sup> Provided that the state of emergency is terminated within the planned period, it will be possible to amend the supreme law in the time remaining until the elections.<sup>5</sup> GYLA hopes that documenting the agreement at the legislative level will not be jeopardized.

## SENTENCING OF IRAKLI OKRUASHVILI

On April 13, 2020, Irakli Okruashvili, the former Minister of Defense, was found guilty by the court and sentenced to five years imprisonment.<sup>6</sup> The judge acquitted Okruashvili of the leadership of group violence but found him guilty of participating in a gang violence.<sup>7</sup> The convict refuses to plead guilty and intends to appeal the decision to the Court of Appeals.<sup>8</sup> The former minister was arrested on July 25, 2019 in connection with the events of June 20-21 of the same year.<sup>9</sup>

According to the opposition, the memorandum signed on March 8, 2020<sup>10</sup> envisages the revision of high profile cases and release of members of the opposition party through various mechanisms.<sup>11</sup> On April 13, 2020, the opposition published an open letter urging partners and supporters to remind the Georgian government of the impor-

<sup>1</sup> The Presidential Decree №1 issued on March 21, 2020 on declaring a state of emergency on the entire territory of Georgia, the website of the President of Georgia, available at: <https://bit.ly/2LBDC7P>, updated: 11.05.2020.

<sup>2</sup> The Presidential Decree №2 issued on April 21, 2020 on declaring a state of emergency on the entire territory of Georgia, the website of the President of Georgia, available at: <https://bit.ly/2z2Ragz>, updated: 11.05.2020.

<sup>3</sup> "The Presidential decree on extension of the state of emergency in the country approved by the Parliament with 97 votes against 10", the official website of the Parliament of Georgia, 22.04.2020, available at: <https://bit.ly/3bBCpP4>, updated: 08.05.2020.

<sup>4</sup> Article 77, paragraph 7 of the Constitution of Georgia.

<sup>5</sup> Newsletter №6, p.5, the website of the Georgian Young Lawyers' Association, available at: <https://bit.ly/3bAAaeA>, updated: 08.05.2020.

<sup>6</sup> "Ex-Defense Minister Okruashvili Sentenced to 5 Years in Jail over June 20 Events" News Portal civil.ge, 13.04.2020, available at: <https://bit.ly/3bwW4zv>, updated: 14.05.2020.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> "Police Detain Ex-MoD Okruashvili over 20 June Events" News Portal civil.ge, 25.07.2019, available at: <https://bit.ly/2Ls1WiW>, updated: 07.05.2020.

<sup>10</sup> "The Memorandum of Understanding," US Embassy website, 08.03.2020, available at: <https://bit.ly/2T6u5QQ>, updated: 11.05.2020.

<sup>11</sup> "Agreement on Political Prisoners - What is written in the joint statement of the government and the opposition", News Portal Tabula, 08.03.2020, available at: <https://bit.ly/3dmzxH0>, updated: 08.05.2020.

tance of fully implementing the March 8 agreement.<sup>12</sup>

On April 14, the U.S. Embassy issued a statement expressing its concerns over the political interference and selective use of justice, and called on the signatory parties to adhere to the requirements of the March 8 agreement.<sup>13</sup> Carl Hartzell, EU Ambassador to Georgia, also responded to the fact, noting that the decision casts doubts over the principle of impartiality, contains the risks of polarization and called on the parties to remain committed to the 8 March agreement.<sup>14</sup>

## ELECTORAL LEGISLATION REFORM

Currently, the Parliament is discussing the amendments to the Election Code online in order to reflect the OSCE recommendations in the legislation.<sup>15</sup> Political parties, international organizations and the civil society organizations participate in the sessions.

The Parliament began elaborating the amendments to the election legislation as part of the autumn 2019 sessions.<sup>16</sup> GYLA has been actively involved in the process from the very beginning. Four sessions were held in March and April,<sup>17</sup> where the organization expressed its opinions regarding the amendments discussed.

GYLA welcomes the steps taken to eliminate the existing shortcomings and is pleased to see that some of the remarks have been reflected in the bill, yet there are still gaps in the election legislation that shall not be overlooked. Among them are the issues as follows:

- **A model of composing the election administration** does not ensure equal representation in election commissions and serves to strengthen the positions of the ruling party in them. It is necessary to reduce the number of members of election commissions and employ staff based on their professional background;
- **In case of repeated expulsion of an observer/electoral subject from a polling station**, the person shall be deprived of the right to exercise the authority of the observer or the representative of the election subject on the same day. This amendment is problematic as there is no mechanism for timely and effective appeal of such decisions;
- The proposed draft fails to protect the electorate from undue influence and to ensure free expression of the will of the voters on the election day, for which it is necessary to determine a certain perimeter at precinct election commissions, within which no one will be allowed to be present unless they are specially authorized to do so, also the Election Silence Day shall be extended to the day prior to the elections;
- The scope of existing financial incentives **cannot ensure that women participation in politics will increase**.<sup>18</sup> It is necessary to introduce a temporary mandatory mechanism - quotas.

GYLA calls on the ruling party to take into consideration the above recommendations that will significantly improve the electoral environment and contribute to a peaceful and fair election.

---

<sup>12</sup> Opposition parties have sent an open letter to Georgia's partners requesting them to "remind the government of the importance of full implementation of the March 8 agreement." News Portal Interpressnews, 23.04.2020, available at: <https://bit.ly/362ECSl>, updated: 08.05.2020

<sup>13</sup> "US Embassy Statement on Irakli Okruashvili," United States Embassy Website, 14.04.2020, Available at: <https://bit.ly/2zCaYYa>, updated: 08.05.2020

<sup>14</sup> The official statement of Carl Hartzell, the official Twitter page, available at: <https://bit.ly/35FWxhA>, updated: 08.05.2020.

<sup>15</sup> "Archil Talakvadze held a video conference with members of the Parliament", the official website of the Parliament, 01.05.2020, available: <https://bit.ly/2yZyKxa>, updated: 08.05.2020.

<sup>16</sup> Newsletter №1, p. 2-3, the website of the Georgian Young Lawyers' Association, available at: <https://bit.ly/2Z1Gjhw>, updated: 08.05.2020.

<sup>17</sup> The meetings were held on 20 and 26 March, 2 and 28 April.

<sup>18</sup> "Financial incentive cannot boost women participation in politics", the official website of the Georgian Young Lawyers' Association, 21.09.2019, available at: <https://bit.ly/3dNjMch>, updated 08.05.2020.