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**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

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 bulletin №26, which describes the events that took place in November that had an impact on the political environment.

THE SECOND ROUND OF 2021 LOCAL ELECTIONS

The Central Election Commission (CEC) summed up the second round of the October local self-government elections on November 13, according to which the ruling party had the advantage.¹ Several opposition parties, namely the United National Movement, Lelo, European Georgia, Girchi - More Freedom, and Droa, did not recognize the election results and declared it "annulled".² The leader of the United National Movement, Nika Melia, announced the opposition rallies against the "rigged elections".³ He said the ruling party was able to rig the election through violence, blackmail, and threats.⁴ After the second round, former President Mikheil Saakashvili called on his supporters to seize power from the Georgian Dream.⁵

On November 1, 17 non-governmental organizations⁶ issued a joint statement regarding the local self-government elections.⁷ According to the statement, the violations revealed during the pre-election period, on election day, and during the vote-counting process had a negative impact on the expression of the will of the voters, as well as public confidence in the election process and the results.⁸ According to the organizations, the abuse of administrative resources, politically motivated dismissals and facts of pressure and threats remained topical problems.⁹ During the election period, the ruling party's obvious financial advantage was revealed, which was made possible through "alleged corruption schemes".¹⁰ In addition, organizations said, public confidence in state institutions was low. All branches of government, especially the judiciary, were under political control, and the ruling party had no intention of sharing power with other parties.¹¹ NGOs called on the government to change its policies and unite the society instead of dividing them.¹²

¹ "The CEC Summarized the Results of the Second Round of Tbilisi Mayor and Sakrebulo Elections", website of the Central Election Commission, November 13, 2021, accessible: <https://bit.ly/3ytjByx>, updated: 16.12.2021.

² "The CEC Summarized the Second Rounds the elections of October 30", information portal Civil.ge, November 15, 2021, accessible: <https://civil.ge/ka/archives/455176>, updated: 16.12.2021.

³ "The opposition does not recognize the election results and is planning a large-scale rally on Saturday", information portal Civil.ge, November 1, 2021, accessible: <https://civil.ge/ka/archives/452116>, updated: 16.12.2021.

⁴ Ibid.

⁵ "Saakashvili calls on supporters to 'seize power' of the Georgian Dream", November 2, 2021, information portal Civil.ge, accessible: <https://civil.ge/ka/archives/452353>, updated: 16.12.2021.

⁶ Transparency International-Georgia; International Society for Fair Elections and Democracy - ISFED; Open Society Georgia Foundation - OSGF; Media Development Foundation - MDF; Economic Policy Research Center - EPRC; Georgian Democratic Initiative - GDI; Partnership for Human Rights - PHR; Sapari; Society and Banks; Social Justice Center, Georgia's Reforms Associates - GRASS; Green Alternative; Georgian Institute of Politics; Human Rights Centre - HRC; Centre Empathy; UN Association of Georgia; Atlantic Council of Georgia; Europe Foundation .

⁷ "Joint Statement of Non-Governmental Organizations on Municipal Elections", official website of the Transparency International Georgia, November 1, 2021, accessible: <https://bit.ly/3oXU7Gb>, updated: 16.12.2021.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

On November 3, opposition parties held a rally in Batumi to protest the “stolen” elections.¹³ Similar demonstrations were held in Zugdidi¹⁴ and Kutaisi.¹⁵ The protesters were protesting against the “rigged elections” and demanding the release of Mikheil Saakashvili. In parallel with these rallies, demonstrations took place near the Rustavi prison, where the third president was detained.¹⁶

EU Ambassador Carl Hartzell has issued a statement regarding the second round of local self-government elections.¹⁷ He noted that the elections were well-administered and mainly conducted in a competitive environment.¹⁸ Nevertheless, instead of eliminating the shortcomings identified in the first round, new shortcomings were identified, negative rhetoric was exacerbated, allegations of voter intimidation and pressure were maintained, as well as a sharp imbalance between resources.¹⁹ As the unscrupulous election-related practices were not remedied, the Ambassador considered this a missed opportunity in relation to the elections.²⁰ A similar statement was issued by the US Embassy in Georgia, which shared the position of the OSCE/ODIHR on the conduct of the elections in a peaceful environment.²¹ However, the Embassy noted that incidents of intimidation and harassment were frequent, exacerbating negative rhetoric.²² In addition, embassy observers observed bias and interference in several polling stations.²³ According to the statement, instead of eliminating the violations revealed in the first round, new shortcomings were observed, which were further aggravated by the actions of the polarized media.²⁴ The US Embassy expressed its support for Georgia’s democratic goals, noting that many changes were urgently needed.²⁵

On November 3, the President of Georgia congratulated the public on the peaceful elections.²⁶ She linked the improved result of the opposition in the second round to the possibility of free expression of the will of the electorate, noting that this was a characteristic aspect of democratic elections.²⁷

THE SECOND ROUND OF 2021 LOCAL ELECTIONS

On November 16, the Parliament suspended the mandates of the opposition’s MPs - Zura Girchi Japaridze, the chairperson of the party Girchi - More Freedom and Mamuka Khazaradze, the leader of the party Lelo for Georgia, at their request.²⁸ Zura Japaridze had been demanding the termination of power since July, after the Georgian Dream left the April 19 agreement.²⁹ Mamuka Khazaradze made the decision to terminate his parliamentary

¹³ “Opposition protest rally in Batumi”, information portal Civil.ge, November 3, 2021, accessible: <https://civil.ge/ka/archives/452669>, updated: 16.12.2021.

¹⁴ “Those who gathered in Zugdidi moved to the administration of the State Representative”, information portal Radio Tavisupleba, November 4, 2021, accessible: <https://www.radiotavisupleba.ge/a/31544629.html>, updated: 16.12.2021.

¹⁵ “Opposition protest rally was held in Kutaisi”, information portal Ajara.tv, November 4, 2021, accessible: <https://ajaratv.ge/article/86044>, updated: 16.12.2021.

¹⁶ “A rally organized by the National Movement will be held in Zugdidi today”, information portal Interpressnews, November 3, 2021, accessible: <https://bit.ly/3p0pa4l>, updated: 16.12.2021.

¹⁷ “The EU Ambassador issued a stern statement regarding the second round”, information portal Civil.ge, November 1, 2021, accessible: <https://civil.ge/ka/archives/452080>, updated: 16.12.2021.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ US Embassy Statement on the Second Round of Georgia Municipal Elections, official website the US Embassy, November 1, 2021, accessible: <https://bit.ly/3IUrYYE>, updated: 16.12.2021.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Statement of the President, official website of the President of Georgia, November 3, 2021, accessible: <https://www.president.gov.ge/ka/News>, updated: 16.12.2021.

²⁷ Ibid.

²⁸ “Zurab Girchi Japaridze and Mamuka Khazaradze have been terminated as members of parliament”, official website of the Parliament of Georgia, November 16, 2021, accessible: <https://bit.ly/3m8iPBX>, updated: 16.12.2021.

²⁹ “Zurab Japaridze and Mamuka Khazaradze were terminated as deputies”, information portal Civil.ge, November 17, 2021, accessible: <https://civil.ge/ka/archives/455777>, updated: 16.12.2021.

mandate after the second round at the rally held in connection with the election fraud.³⁰

CONSTITUTIONAL AMENDMENTS RELATED TO THE ELECTION THRESHOLD

On November 2, Irakli Kobakhidze, the chairperson of the Georgian Dream, said the government had no obligation to make constitutional changes.³¹ In his statement, he referred to the draft constitutional amendments adopted by the Parliament in the first reading on September 7, which envisaged changing the 5% electoral threshold by 2%.³² This paragraph of the constitutional amendments was provided in the so-called Charles Michel's April 19 Agreement, which was annulled by the Georgian Dream in July.³³ Kobakhidze called the existing 5% threshold democratic and noted that leaving this norm would not harm the democratic development of the country; on the contrary, it might have been better.³⁴ In addition, according to the chairperson of the ruling party, if any changes were to take effect regarding the threshold, it would only take effect from 2024; hence the changes would not apply to snap elections.³⁵ According to Shalva Papuashvili, one of the leaders of the ruling party, the Georgian Dream had no obligation to amend the constitution, as it was no longer a signatory to Charles Michel's document and the decision to make the changes was in the good will of the party.³⁶

Opposition MP Salome Samadashvili noted that Georgia has never been so far from Europe.³⁷ And the ruling party had a strange view of the European standard, as it considered a European behavior to “throw back” Charles Michel's agreement to Europe.³⁸ According to Aleko Elisashvili, an MP from the party Citizens, if the threshold had not been reduced, there would have been only two parties in the Parliament, which would have further increased polarization.³⁹ Giorgi Vashadze, the leader of Strategy Aghmashenebeli, said that the ruling party's attempt to avoid changing the threshold for snap elections was a sign of fear.⁴⁰ According to him, the Georgian Dream was well aware that against the background of the difficult situation, snap elections would most likely be held.⁴¹ The leader of the party Girchi, Iago Khvichia, noted that the low threshold was important for the democratic development of the country.⁴² He accused the Georgian Dream and the United National Movement of working together, saying they were fighting small parties.⁴³ The importance of implementing the constitutional

³⁰ Ibid.

³¹ “We have no obligation to make any constitutional changes”, information portal Civil.ge, November 2, 2021, accessible: <https://civil.ge/ka/archives/452497>, updated: 16.12.2021.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ “Irakli Kobakhidze - If we adopt constitutional amendments, the record on the proportional system, as well as the record on the threshold, should be effective from 2024”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/33AnZAo>, updated: 16.12.2021.

³⁶ “Shalva Papuashvili - In order to get changes in the constitution, parties need to cooperate, there must be not a life-and-death struggle, but cooperation - the opposition has declared war”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/3saQTKp>, updated: 16.12.2021.

³⁷ “Salome Samadashvili - Kobakhidze believes that dragging the imprisoned former president and throwing back Michel's agreement to Europe is a European behavior”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/3pYkj2N>, updated: 16.12.2021.

³⁸ Ibid.

³⁹ Aleko Elisashvili - if the threshold is not reduced, there will be only two parties and we will get the “Basti-Bubu” and the ping-pong of disgust that we have now - “Your 9 years, not yours”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/3yDaAD1>, updated: 16.12.2021.

⁴⁰ “Giorgi Vashadze-Kobakhidze, on the one hand, says that there will be no snap elections until 2024, and on the other hand, he wants to make amendments to the constitutional amendments related to the snap elections - this is a fear”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/3IWpOrk>, updated: 16.12.2021.

⁴¹ Ibid.

⁴² “Iago Khvichia - I do not want to feel rewarded and obliged by the Georgian Dream, so we are preparing to overcome any barrier”, information portal Interpressnews, November 30, 2021, accessible: <https://bit.ly/325iWHD>, updated: 16.12.2021.

⁴³ Ibid.

changes was emphasized by MEPs Marina Kaljurand⁴⁴ and Michael Gahler.⁴⁵ The latter pointed out that not only the government but also the opposition was responsible for the situation.⁴⁶

THE CASE OF MIKHEIL SAAKASHVILI

Mikheil Saakashvili's hunger strike and demand to take him to a civilian hospital

On November 6, the Special Penitentiary Service released photos and videos of Mikheil Saakashvili taking food supplements in liquid or non-liquid form against the fact of his hunger strike.⁴⁷ According to them, this decision was made due to the high public interest.⁴⁸ The former President said during a meeting with the Public Defender's Office that he received the food supplement only at the request of doctors.⁴⁹ On November 7, Saakashvili issued a statement regarding the footage, in which he refused to accept any food supplement on which he had given his written consent to the council.⁵⁰ He also noted that the "canned food" that was on the photos, "he had not seen with the naked eye."⁵¹ According to Saakashvili's personal doctor, the condition of the third president was becoming more critical day by day.⁵²

According to opposition MP Salome Samadashvili, the release of the footage was a gross violation of Saakashvili's rights.⁵³ She said a deeper stalemate had been created as a result of which the former President had also stopped taking food supplements.⁵⁴ The Public Defender also criticized the Penitentiary Service for publishing photos and videos.⁵⁵ She noted that the move served to reinforce the government's rhetoric, according to which Saakashvili ended the hunger strike.⁵⁶ In her view, taking medical supplements did not indicate an end to a hunger strike.⁵⁷ In addition, the dissemination of such material may have led to the prisoner refusing to receive all kinds of fluids and medicines, which harmed not only Mikheil Saakashvili but also other prisoners.⁵⁸

The faction Lelo boycotted the parliamentary sessions.⁵⁹ According to them, they would be in this regime until the government took adequate steps to protect Mikheil Saakashvili's health.⁶⁰ Elene Khoshtaria, the founder of

⁴⁴ "Marina Kaljurand - Yes, with the elections, Georgia passed the test of democracy, crossed the threshold of democracy, but the question is, how much do you want to cross only the threshold?", information portal Interpressnews, November 26, 2021, accessible: <https://bit.ly/3yvBEUE>, updated: 16.12.2021.

⁴⁵ "Michael Gahler - We call on not only the government but also the opposition that both sides are responsible for the situation - I urge them to find a common language", information portal Interpressnews, accessible: <https://bit.ly/3GIoTsE>, updated: 16.12.2021.

⁴⁶ Ibid.

⁴⁷ "The Penitentiary Service releases video material about Mikheil Saakashvili in prison", information portal Interpressnews, November 6, 2021, accessible: <https://bit.ly/3q2TQRD>, updated: 16.12.2021.

⁴⁸ Ibid.

⁴⁹ "Deputy Public Defender - Saakashvili notes that any supplement he received, at the request of doctors, was taken as a substitute for certain medications", information portal Interpressnews, November 7, 2021, accessible: <https://bit.ly/322spiT>, updated: 16.12.2021.

⁵⁰ "Mikheil Saakashvili - with a completely shameful and criminal publication of the footage, they were not able to harm me, on the contrary, everyone was convinced that I was really starving and not in the best shape", information portal Interpressnews, November 7, 2021, accessible: <https://bit.ly/33DPhWJ>, updated: 16.12.2021.

⁵¹ Ibid.

⁵² "Mikheil Saakashvili's personal doctor - I ask the members of the council to meet immediately and decide what to do - the situation becomes critical, maybe within a few hours", information portal Interpressnews, November 7, 2021, accessible: <https://bit.ly/3s6L2wZ>, updated: 16.12.2021.

⁵³ "Salome Samadashvili on the footage released by the Penitentiary Service - this is a gross violation of Mikheil Saakashvili's rights", information portal Interpressnews, November 7, 2021, accessible: <https://bit.ly/30BwdqU>, updated: 16.12.2021.

⁵⁴ Ibid.

⁵⁵ "The Public Defender criticizes the Penitentiary Service for publishing Saakashvili's footage", information portal Civil.ge, November 8, 2021, accessible: <https://civil.ge/ka/archives/453751>, updated: 16.12.2021.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ "The Public Defender criticizes the Penitentiary Service for publishing Saakashvili's footage", information portal Civil.ge, November 8, 2021, accessible: <https://civil.ge/ka/archives/453751>, updated: 16.12.2021.

⁵⁹ "Faction Lelo boycotts parliamentary sessions", information portal Civil.ge, November 3, 2021, accessible: <https://civil.ge/ka/archives/452650>, updated: 16.12.2021.

⁶⁰ Ibid.

the party Droa, went on a hunger strike in the parliament building, demanding the transfer of the third president to a civilian clinic.⁶¹ She described the events surrounding Saakashvili as “sadistic and cynical revenge”.⁶² On November 9, Irakli Kobakhidze, the chairperson of the Georgian Dream, said that according to the State Security Service, members of the opposition were discussing the poisoning of Elene Khoshtaria.⁶³ Regarding Kobakhidze’s statement, the latter noted that he was pointing to the horrible state of the fanaticism of the ruling party and was an attempt to divert public attention from essential issues.⁶⁴ On November 14, nine members of the UNM parliamentary bloc went on a hunger strike demanding Saakashvili’s transfer to a civilian hospital.⁶⁵

On November 5, the State Inspector’s Office responded to the events related to Mikheil Saakashvili with a statement.⁶⁶ According to the statement, if he was refused to be transferred to a civilian hospital for treatment, if necessary, he might have been a victim of torture and inhuman treatment. In addition, according to the State Inspector’s Office, despite the high public interest, disclosing details about a person’s state of health could not be justified.⁶⁷

On November 8, despite calls from international and local organizations, as well as politicians, Saakashvili was taken to N18 Gldani Prison Hospital.⁶⁸ The location of the third president was unknown for almost an hour during the transfer from Rustavi to Gldani Prison Hospital.⁶⁹ It was reported in the media that Saakashvili was met by the prisoners of Gldani prison with noise and verbal abuse.⁷⁰ According to his lawyers, his transfer to the penitentiary facility N18 contained risks of psychological pressure and physical violence.⁷¹ According to the Public Defender, Nino Lomjaria, the prisoners in Gldani prison had a conflict of interest with Saakashvili.⁷² Consequently, the prison administration could not protect the former President from verbal aggression and psychological pressure.⁷³ She also noted that according to Saakashvili, he did not know about being taken to Gldani Penitentiary Hospital because he was told he was being taken to a multifunctional, civilian clinic.⁷⁴ Saakashvili informed the Public Defender that he had been forcibly brought to the Gldani Penitentiary.⁷⁵ The Public Defender notified the State Inspector for a response,⁷⁶ which launched an investigation of the possible inhuman treatment.⁷⁷ The Office also found that from January 18, 2021, prisoners were transferred from Rustavi Prison to a civilian medical facility and not to a penitentiary clinic.⁷⁸

GYLA and the Center for Social Justice issued a joint statement regarding the incident.⁷⁹ According to the organizations, the authorities violated Saakashvili’s rights to life, health, and personal integrity during his transfer

⁶¹ “Elene Khoshtaria starts a hunger strike demanding Saakashvili to be transferred to civil clinic”, information portal Civil.ge, accessible: <https://civil.ge/ka/archives/452776>, updated: 16.12.2021.

⁶² Ibid.

⁶³ “Kobakhidze states that the scenario of Elene Khoshtaria’s poisoning was discussed at the meeting of the Radicals”, information portal Radio Tavisupleba, November 9, 2021, accessible: <https://www.radiotavisupleba.ge/a/31552814.html>, updated: 16.12.2021.

⁶⁴ Ibid.

⁶⁵ “9 more MPs are going on hunger strike to demand Saakashvili be transferred to another clinic”, information portal Civil.ge, November 15, 2021, accessible: <https://civil.ge/ka/archives/455043>, updated: 16.12.2021.

⁶⁶ “Statement of the State Inspector Service”, official website of the State Inspector’s Service, November 5, 2021, accessible: <https://personaldata.ge/ka/press/post/7717>, updated: 16.12.2021.

⁶⁷ Ibid.

⁶⁸ “Saakashvili was taken to Gldani Prison Hospital”, information portal Civil.ge, November 8, 2021, accessible: <https://civil.ge/ka/archives/453650>, updated: 16.12.2021.

⁶⁹ Ibid.

⁷⁰ “Prisoners swear at Saakashvili transferred to Gldani penitentiary”, information portal Civil.ge, November 8, 2021, accessible: <https://civil.ge/ka/archives/454044>, updated: 16.12.2021.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Official Facebook page of the Public Defender of Georgia, November 9, 2021, accessible: <https://bit.ly/3F4Sr3g>, accessible: 16.12.2021.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ “The State Inspector’s Office has launched an investigation into possible inhuman treatment of Mikheil Saakashvili”, information portal Interpressnews, November 9, 2021, accessible: <https://bit.ly/3q5czvQ>, updated: 16.12.2021.

⁷⁸ Official Facebook page of the Public Defender of Georgia, November 9, 2021.

⁷⁹ “Saakashvili’s hospitalization in a penitentiary system does not insure to protect him from the risks to his health and inviolability”, Georgian Young Lawyers’ Association, November 9, 2021, accessible: <https://bit.ly/3yvgw0Z>, updated: 16.12.2021.

to Gldani Prison Hospital N18.⁸⁰ In addition, this action created a threat of deepening polarization.⁸¹ At the same time, the organizations said, it was inadmissible to refuse to transfer the third president to a civilian hospital on the basis of an unreasonable and abstract threat, contrary to medical indications.⁸² The statement called on the authorities to immediately transfer Mikheil Saakashvili from the prison hospital, as recommended by the multifunctional group of doctors, and to ensure his health and personal safety; To take effective steps to de-escalate the situation and to start negotiations with the opposition.⁸³ The organizations appealed to the opposition parties to act within the framework of peaceful assembly and expression and to refrain from escalating the situation.⁸⁴

On November 9, non-governmental organizations⁸⁵ issued a joint statement demanding the immediate transfer of Mikheil Saakashvili to an alternative medical facility.⁸⁶ In a statement, the organizations noted that the full responsibility for the current events lay with the government.⁸⁷ The steps of the ruling party were not in line with protecting the interests of the country and easing the situation.⁸⁸ As a result, civil strife may have broken out in the country.⁸⁹

On November 8, the opposition began rallies in Tbilisi demanding that Mikheil Saakashvili be taken to a civilian hospital and released.⁹⁰ Nika Melia, the leader of the United National Movement, said that the demonstration would not be held near Gldani prison to avoid provocation.⁹¹

On November 8, the Ukrainian Foreign Ministry announced that it had sent an official note to the Georgian Foreign Ministry requesting that Mikheil Saakashvili be transferred immediately to a civilian clinic.⁹² According to them, leaving a Ukrainian citizen in the penitentiary medical facility posed an additional danger and risk.⁹³ On the same day, 89 members of the Ukrainian Parliament wrote a letter to Georgian President Salome Zurbishvili and Prime Minister Irakli Gharibashvili, calling for the authorities to provide adequate medical assistance to Saakashvili, provide legal assistance and return him to Ukraine in a timely manner.⁹⁴ In addition, the deputies demanded that the addressees take Saakashvili to the civil hospital.⁹⁵

EU Ambassador Carl Hartzell stated on Saakashvili's condition that his rights, including the right to a fair trial and the provision of adequate medical care, as well as the protection of the right to privacy and dignity while in prison, were the full responsibility of the authorities.⁹⁶ Similar comments were made by MEPs Marina Kaljurand, Anna Fotyga, and Viola von Cramon.⁹⁷ According to the latter, the ruling party has never been further from the goal of joining the EU.⁹⁸ She also noted that the EU would no longer be able to provide financial assistance to a

⁸⁰ Ibid.

⁸¹ "Saakashvili's hospitalization in a penitentiary system does not insure to protect him from the risks to his health and inviolability", Georgian Young Lawyers' Association.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ The statement is signed by Georgian Democratic Initiative, Transparency International Georgia, The Open Society Georgia Foundation, International Society for Fair Elections and Democracy, Institute for Development of Freedom of Information, Rights Georgia, Partnership for Human Rights and Shame Movement.

⁸⁶ "The government should immediately transfer the third president to an alternative medical facility", official website of the Institute for Development of Freedom of Information, November 9, 2021, accessible: https://idfi.ge/ge/ngos_joint, updated: 16.12.2021.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ "Opposition started rallies in Tbilisi", information portal Civil.ge, November 8, 2021, accessible: <https://civil.ge/ka/archives/453843>, updated: 16.12.2021.

⁹¹ Ibid.

⁹² "The Kiev demands Saakashvili to be taken to a civilian hospital", information portal Civil.ge, November 9, 2021, accessible: <https://civil.ge/ka/archives/453870>, updated: 16.12.2021.

⁹³ Ibid.

⁹⁴ „Депутаты Верховной Рады обратились к президенту и премьер-министру Грузии. Просят вернуть Саакашвили”, информационный портал Gordonua.com, доступны: <https://bit.ly/3scMga4>, обновлено: 16.12.2021.

⁹⁵ Ibid.

⁹⁶ Online panel discussion "Impact of 2021 Local Self-Government Elections on Georgia-EU Relations", November 9, 2021, official Facebook page of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3IXuVYi>, updated: 16.12.2021.

⁹⁷ Ibid.

⁹⁸ Ibid.

country that was not fulfilling its obligations.⁹⁹

US Ambassador Kelly Degnan called on the authorities to take Saakashvili to a civilian hospital.¹⁰⁰ She also appealed to the former President to heed the advice of doctors and seek medical help.¹⁰¹ Degnan noted that it was important for the authorities to take care of the prisoner's physical and psychological health and ensure his safety.¹⁰² A similar statement was made by US Department of State Spokesperson Ned Price, who called on the ruling party to meet Saakashvili's urgent medical needs.¹⁰³

On November 11, the Penitentiary Service released footage of Mikheil Saakashvili being forcibly placed in Gldani Prison Hospital.¹⁰⁴ The video shows how the third president refuses to get out of the ambulance and categorically demands his return to Rustavi prison.¹⁰⁵ At the same time, it is clear from the footage how Mikheil Saakashvili is brought to the institution by force.¹⁰⁶ The Minister of Justice, Rati Bregadze, justified this decision with the high public interest.¹⁰⁷ Khatia Dekanoidze, the leader of the United National Movement faction, said that the release of the footage confirmed the involvement of all state bodies in the inhuman treatment and torture of Saakashvili, which violated all articles of the European Convention on Human Rights.¹⁰⁸ The chairperson of the National Movement called this step of the government an act of personal revenge.¹⁰⁹ According to the Public Defender, Nino Lomjaria, the release of the footage violated the right to honor, dignity, and inviolability of the third president.¹¹⁰ This fact was also critically assessed by the State Inspector's Service.¹¹¹ It called on the Ministry of Justice and the Penitentiary Service to stop distributing material about Mikheil Saakashvili's personal life and to respect his rights.¹¹² Regarding the footage, MEP Viola von Cramon said that Saakashvili's case was becoming more political and that the Georgian Dream was becoming more and more similar to the previous government.¹¹³

The President, Salome Zurbashvili, has criticized the penitentiary service for spreading the footage, saying it should protect Saakashvili's dignity, health, and safety.¹¹⁴ In addition, she indicated that the third president was not and could not be an "ordinary prisoner".¹¹⁵ Salome Zurbashvili called on the authorities to ensure that the public was informed about Saakashvili's health condition in a timely manner.¹¹⁶

⁹⁹ Ibid.

¹⁰⁰ "Kelly Degnan - our strong recommendation is to the authorities that Saakashvili is provided the medical care he needs - he should be treated equally and with dignity", information portal Interpressnews, November 9, 2021, accessible: <https://bit.ly/33BN0K3>, updated: 16.12.2021.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ US Department of State: "Treat Saakashvili fairly and with dignity", information portal Civil.ge, November 10, 2021, accessible: <https://civil.ge/ka/archives/454117>, updated: 16.12.2021.

¹⁰⁴ "Transportation of Prisoner Mikheil Saakashvili to the 18th medical institution", official Facebook page of the Special Penitentiary Service November 11, 2021, accessible: <https://www.facebook.com/watch/?v=410894323838316>, updated: 16.12.2021

¹⁰⁵ Ibid.

¹⁰⁶ "Accommodation of prisoner Mikheil Saakashvili in medical institution #18", official Facebook page of the Special Penitentiary Service November 11, 2021, accessible: <https://www.facebook.com/moc.gov.ge/>, updated: 16.12.2021.

¹⁰⁷ "The Penitentiary Service releases another record of Saakashvili's forced accommodation in the prison hospital", information portal Civil.ge, November 11, 2021, accessible: <https://civil.ge/ka/archives/454533>, 16.12.2021.

¹⁰⁸ "Khatia Dekanoidze - the distribution of footage once again proved how sadistic this government is", information portal Interpressnews, November 11, 2021, accessible: <https://bit.ly/3sbBMHZ>, updated: 16.12.2021.

¹⁰⁹ "Nika Melia on the video footage of Saakashvili - this is a revenge against the son of Georgia, who did a lot for this country", information portal Interpressnews, November 11, 2021, accessible: <https://bit.ly/3sgdPz5>, updated: 16.12.2021.

¹¹⁰ "Ombudsman - in a completely disproportionate and insulting manner, the dissemination of Mikheil Saakashvili's footage violates his rights of honor, dignity and inviolability of private life.", information portal Interpressnews, November 11, 2021, accessible: <https://bit.ly/3q3ZuDi>, updated: 16.12.2021.

¹¹¹ "Statement of the State Inspector Service", official website of the State Inspector's Service, November 11, 2021, accessible: <https://personaldata.ge/ka/press/post/7726>, updated: 16.12.2021.

¹¹² "The government is criticized for Saakashvili's treatment and the release of video footage", information portal Civil.ge, November 12, 2021, accessible: <https://civil.ge/ka/archives/454794>, updated: 16.12.2021.

¹¹³ "Viola von Cramon - Saakashvili's case is becoming more political and the Georgian Dream is becoming more and more similar to the previous government", information portal Interpressnews, November 11, 2021, accessible: <https://bit.ly/3EYpxSu>, updated: 16.12.2021.

¹¹⁴ "According to the President, the dignity of Mikheil Saakashvili must be protected", Information portal Civil.ge, November 17, 2021, accessible: <https://civil.ge/ka/archives/455965>, updated: 16.12.2021.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

On November 12, against the background of Mikheil Saakashvili being taken to Gldani Prison Hospital and the distribution of footage of this process, a telephone conversation took place between the Georgian Prime Minister Irakli Gharibashvili and the Ukrainian President Volodymyr Zelensky.¹¹⁷ The former told the prime minister that Saakashvili's rights should be fully protected in accordance with international norms. Gharibashvili, for his part, explained that since the third president had verbally and physically abused the staff, the administration of the penitentiary had been forced to act within the law.¹¹⁸ He called Saakashvili's actions destructive and provocative.¹¹⁹ At the same time, he noted that Ukraine's interference in Georgia's internal affairs was unacceptable.¹²⁰

The international non-governmental organization Amnesty International called the government's actions against Saakashvili "overt political revenge".¹²¹ It also criticized the ruling party for forcibly transferring the third president to the prison hospital.¹²²

Giorgi Gogia, Associate Director of Human Rights Watch's Europe and Central Asia Division, said Saakashvili's rights, including the right to a fair trial, health care, dignity, and privacy, were at stake.¹²³ He also noted that it was unacceptable for the Special Penitentiary Service to release footage of Saakashvili's private life.¹²⁴

GYLA negatively assessed the distribution of footage by the Special Penitentiary Service and called it "unjustified".¹²⁵ According to the organization, the agency did not take into account the right to protection, honor, and dignity of the convict's privacy and unreasonably released video footage.¹²⁶ GYLA calls on the Special Penitentiary Service to stop spreading such material, to wait for the State Inspector's Office to investigate the incident, and to cooperate with the investigative bodies regarding the possible violations reflected in the video.¹²⁷

On November 12-13, MEP Anna Fotyga tried to visit Mikheil Saakashvili in the prison hospital but was not allowed to do so.¹²⁸ According to her, the government was fully responsible for Saakashvili's health condition.¹²⁹ Anna Fotyga's remark was answered by the chairperson of the ruling party, Irakli Kobakhidze. He described the MEP as "politically biased" in favor of criminals, saying she supported the criminal political force.¹³⁰

On November 18, the former President lost consciousness due to deteriorating health.¹³¹ EU Ambassador Carl Hartzell responded to this fact by emphasizing the importance of moving from a debate regime to action, noting that it was necessary to focus on the health of the third president.¹³² A similar comment was made by the US Ambassador, Kelly Degnan.¹³³ She said when there was a threat to human life, there was no need to debate all the effective steps.¹³⁴

After Mikheil Saakashvili lost consciousness in Gldani Prison Hospital, the Office of the State Inspector of Georgia called on the authorities to take all necessary measures to protect the health, life, honor, dignity, and

¹¹⁷ "Zelenski asks Gharibashvili to fully respect Saakashvili's rights", information portal Civil.ge, November 12, 2021, accessible: <https://civil.ge/ka/archives/454679>, updated: 16.12.2021.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Amnesty International, Twitter post, November 9, 2021, accessible: <https://bit.ly/3INTIOy>, updated: 16.12.2021.

¹²² Ibid.

¹²³ Giorgi Gogia, Twitter post, November 10, 2021, accessible: <https://bit.ly/3dVCdh5>, updated: 16.12.2021.

¹²⁴ Giorgi Gogia, Twitter post, November 10, 2021, accessible: <https://bit.ly/324q5bl>, updated: 16.12.2021.

¹²⁵ Facebook page of the Georgian Young Lawyers' Association, November 11, 2021, accessible: <https://bit.ly/3p3tiQU>, updated: 16.12.2021.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ "MEP Anna Fotyga was denied a visit to Saakashvili", information portal Radio Tavisupleba, November 13, 2021, accessible: <https://www.radiotavisupleba.ge/a/31559521.html>, updated: 16.12.2021.

¹²⁹ Ibid.

¹³⁰ "According to Irakli Kobakhidze, MEP Anna Fotyga is a lobbyist for a criminal political force", information portal Civil.ge, November 17, 2021, accessible: <https://civil.ge/ka/archives/455883>, updated: 16.12.2021.

¹³¹ "Mikheil Saakashvili temporarily lost consciousness", information portal Civil.ge, November 18, 2021, accessible: <https://civil.ge/ka/archives/456362>, updated: 16.12.2021.

¹³² "EU and US ambassadors call for action to protect Saakashvili's health", information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456691>, updated: 16.12.2021.

¹³³ Ibid.

¹³⁴ Ibid.

safety of the prisoner.¹³⁵

On November 19, 23 MEPs issued a joint statement to the President of the European Commission, Ursula von der Leyen, the President of the European Council, Charles Michel, and the High Representative of the European Union, Joseph Borrell.¹³⁶ They called on the addressees to consider imposing sanctions on those who have allowed Saakashvili to be treated inhumanely and insultingly.¹³⁷ The letter stressed that the refusal to provide medical assistance to the former President was politically motivated.¹³⁸ In addition, according to MEPs, the conclusion of a group of medical experts set up by the ombudsman should have been considered. According to them, the Gldani Prison Hospital was not suitable for Saakashvili's treatment and that he needed to be transferred to a civilian hospital.¹³⁹

The decision by Strasbourg Court

On November 10, Mikheil Saakashvili applied to the European Court of Human Rights for a temporary measure.¹⁴⁰ The court granted the applicant's request.¹⁴¹ It first called on the applicant to end the hunger strike.¹⁴² It indicated to the authorities that they should provide appropriate medical assistance to Saakashvili and, in general, ensure his safety in prison.¹⁴³ The court ruled that the authorities should have provided it with information about the applicant's current state of health, as well as the nature of the medical treatment he was receiving at the prison hospital.¹⁴⁴

According to Saakashvili's lawyers, the court ruled that Saakashvili's hunger strike had become an internationally recognized fact.¹⁴⁵ However, although the decision did not specify the obligation to transfer him to a civilian hospital, it underscored the high standard of protection that the government had to provide.¹⁴⁶

The Minister of Justice, Rati Bregadze, noted that Saakashvili's representatives had asked the Strasbourg court to transfer the third president from the Gldani Prison Hospital to a multidisciplinary civilian clinic.¹⁴⁷ And the court did not grant the applicant's request and, on the contrary, insisted that he ended the hunger strike.¹⁴⁸

On November 11, Mikheil Saakashvili announced that he would comply with the European Court's insistence and end his hunger strike if taken to a civilian hospital.¹⁴⁹ He also demanded the creation of an independent medical council. It should have half of members be his representatives, and the other half would be appointed by the state.¹⁵⁰

¹³⁵ "State Inspector's Office calls on the government to protect Saakashvili's life and dignity", information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456597>, updated: 16.12.2021.

¹³⁶ Riho Terras, Twitter post, November 19, 2021, accessible: <https://bit.ly/3ywHANf>, updated: 16.12.2021.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ "The Strasbourg court sent a decision on the application of an interim measure in the Saakashvili case", information portal Radio Tavisupleba, November 11, 2021, accessible: <https://www.radiotavisupleba.ge/a/31555455.html>, updated: 16.12.2021.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ "The Strasbourg court sent a decision on the application of an interim measure in the Saakashvili case", information portal Radio Tavisupleba, November 11, 2021, accessible: <https://www.radiotavisupleba.ge/a/31555455.html>, updated: 16.12.2021.

¹⁴⁵ "The Strasbourg court sent a decision on the application of an interim measure in the Saakashvili case", information portal Radio Tavisupleba, November 11, 2021, accessible: <https://www.radiotavisupleba.ge/a/31555455.html>, updated: 16.12.2021.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Mikheil Saakashvili's Facebook page, November 11, 2021, accessible: <https://www.facebook.com/SaakashviliMikheil/posts/427736762055260>, updated: 16.12.2021.

¹⁵⁰ Ibid.

Establishment of a multi-profile group of experts to monitor Mikheil Saakashvili's medical care

It was reported in the media that Mikheil Saakashvili, who was arrested by law enforcement on October 1, refused to participate in the doctors' council.¹⁵¹ According to his lawyer, Nika Gvaramia, the council has become a politicized body.¹⁵² According to Saakashvili's lawyer, the fact that the third president opposed the doctors' visit was misinformation.¹⁵³ He was ready to meet with the current council but also demanded the creation of an alternative commission to assess his condition.¹⁵⁴

The non-governmental organization Empathy has set up an alternative medical commission to assess Mikheil Saakashvili's health condition.¹⁵⁵ The organization applied to the Penitentiary Service with a request for a group of experts to enter the prison.¹⁵⁶ However, the organization said the agency was preventing them from conducting medical examinations for Saakashvili because they were not able to visit a third president.¹⁵⁷ On November 10, Empathy published an expert report on the torture of Mikheil Saakashvili in a penitentiary institution.¹⁵⁸ The document stated that the prisoner needed to be transferred immediately from Gldani Prison to a civilian clinic.¹⁵⁹ Saakashvili's health and personal integrity were endangered in the penitentiary institution N18.¹⁶⁰ In addition, the organization once again requested a direct visit of the medical team to the inmate to assess his health status.¹⁶¹ The medical commission set up by Empathy visited Mikheil Saakashvili on November 27 at the Gori Military Hospital.¹⁶²

On November 16, the Public Defender set up a multi-profile group of experts to monitor Mikheil Saakashvili's medical care.¹⁶³ The group was tasked with assessing the adequacy of appropriate medical care and treatment for Mikheil Saakashvili by the Special Penitentiary Service, as required by the European Court of Human Rights in its November 10 ruling.¹⁶⁴ The Public Defender gave a special credential to the group of experts, on the basis of which they were given the opportunity to visit Mikheil Saakashvili if needed.¹⁶⁵ The ombudsman noted that despite the formation of the group, it could not replace the responsibility of the state in caring for the prisoner.¹⁶⁶

On November 17, the ombudsman and the group of experts visited Mikheil Saakashvili.¹⁶⁷ Nino Lomjaria explained after the visit that the group was given the opportunity to examine Saakashvili, visit the hospital infrastructure

¹⁵¹ "Gvaramia: Saakashvili will no longer participate in the doctors' council", information portal Formulaneews, accessible: <https://formulaneews.ge/News/59539>, updated: 16.12.2021.

¹⁵² Ibid.

¹⁵³ "Lawyer - Mikheil Saakashvili is ready to meet with the current council - we are already waiting for the council", information portal Interpressnews, November 14, 2021, accessible: <https://bit.ly/3oZcScv>, updated: 16.12.2021.

¹⁵⁴ "Lawyer - Mikheil Saakashvili is ready to meet with the current council - we are already waiting for the council", information portal Interpressnews, November 14, 2021, accessible: <https://bit.ly/3oZcScv>, updated: 16.12.2021.

¹⁵⁵ "Empathy speaks about the Penitentiary Service obstruction in involvement of Saakashvili's examination", information portal Radio Tavisupleba, November 4, 2021, accessible: <https://www.radiotavisupleba.ge/a/31545825.html>, updated: 16.12.2021.

¹⁵⁶ "An alternative medical team, set up to monitor Saakashvili's health, demands to enter the prison", information portal Interpressnews, November 1, 2021, accessible: <https://bit.ly/3ywJDkp>, updated: 16.12.2021.

¹⁵⁷ "Statement of the Center Empathy about the attempt of the Special Penitentiary Service to obstruct the examination of Mr. Mikheil Saakashvili", official website of the Empathy, November 4, 2021, accessible: <http://empathy.ge/en/5899-2/>, updated: 16.12.2021.

¹⁵⁸ "Statement of the group of experts of the Center Empathy on the conclusion of the examination of the fact of torture of the 3rd President of Georgia Mikheil Saakashvili in the Georgian prison system", official website of the Empathy, November 10, 2021, accessible: <https://bit.ly/3q4kwBv>, updated: 16.12.2021.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² "A group of doctors from the Empathy Center entered Gori Hospital to visit Mikheil Saakashvili", information portal Interpressnews, November 27, 2021, accessible: <https://bit.ly/3oYJ1Ru>, updated: 16.12.2021.

¹⁶³ "The Public Defender has set up a group of multi-profile experts to monitor Mikheil Saakashvili's medical care", official website of the Public Defender of Georgia, November 16, 2021, accessible: <https://bit.ly/3F7yBoc>, updated: 16.12.2021.

¹⁶⁴ "The Public Defender has set up a group of multi-profile experts to monitor Mikheil Saakashvili's medical care", official website of the Public Defender of Georgia, November 16, 2021, accessible: <https://bit.ly/3F7yBoc>, updated: 16.12.2021.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ "The ombudsman and a group of experts visited Mikheil Saakashvili", information portal Civil.ge, November 17, 2021, accessible: <https://civil.ge/ka/archives/455947>, updated: 16.12.2021.

and talk to the staff.¹⁶⁸ According to one of the members of the group, Giorgi Grigolia, the treatment of the third president in the prison hospital was not expedient.¹⁶⁹

On November 17, a multidisciplinary team of experts concluded that the prison hospital was in the “formation stage”; therefore, not all equipment was working properly.¹⁷⁰ Doctors said the third president’s condition was critical, so they recommended he be taken to a civilian hospital immediately.¹⁷¹

The chairperson of the ruling party called the report of the group of experts “fake” and the members of the group “extremely politically biased”.¹⁷² He said that conclusion could be followed by a provocation by Saakashvili’s supporters, for which the expert council would be directly responsible.¹⁷³ In response to this statement, the Public Defender’s Office criticized Irakli Kobakhidze for attacking an independent constitutional body and impartial experts, accusing him of attempting to intimidate.¹⁷⁴ The Office called on international partners, including the United Nations, the OSCE/ODIHR, and the Council of Europe, to investigate and assess the case.¹⁷⁵ The comment of the chairperson of the Georgian Dream was also negatively assessed by the Union of Georgian Medical Associations.¹⁷⁶ They called on the authorities, especially the Minister of Health and the Chairperson of the Parliamentary Committee on Health, to ensure that doctors’ honor and dignity are protected, as the doctors who are members of the council were recognized and highly qualified professionals in Georgia.¹⁷⁷ After Irakli Kobakhidze’s comment, the Council of Europe Commissioner for Human Rights also supported the Office of the Public Defender.¹⁷⁸ She praised the efforts made by the Public Defender and said that according to the guidelines of the Venice Commission, the government was obliged to provide a safe working environment for the ombudsman and her Office.¹⁷⁹

On November 18, the group of experts visited the prison hospital again.¹⁸⁰ After seeing the complicated condition of the third president, they reaffirmed the need to transfer him to a high-profile clinic immediately.¹⁸¹ The Public Defender’s Office and the group of experts once again called on the authorities to respond accordingly.¹⁸²

On November 25, the group of experts issued a third report, according to which Saakashvili’s health had stabilized after being transferred to a military hospital in Gori.¹⁸³ The document mentions that the treatment was carried out adequately. However, the involvement of highly qualified specialists was required in the further treatment process.¹⁸⁴

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ “Saakashvili’s condition is critical - a group of experts has issued a conclusion”, November 17, 2021, accessible: <https://www.radiotavisupleba.ge/a/31566537.html>, updated: 16.12.2021.

¹⁷¹ Ibid.

¹⁷² “Irakli Kobakhidze calls the conclusion of the group of doctors “fake””, information portal Civil.ge, November 18, 2021, accessible: <https://civil.ge/ka/archives/456219>, updated: 16.12.2021.

¹⁷³ Ibid.

¹⁷⁴ “The Public Defender of Georgia responds to the threatening statements of the chairman of the Georgian Dream”, official website of the Public Defender of Georgia, November 18, 2021, accessible: <https://bit.ly/3GQ9VB3>, updated: 16.12.2021.

¹⁷⁵ Ibid.

¹⁷⁶ The Union of Medical Associations criticizes Kobakhidze for “unprecedented pressure” on doctors, information portal Civil.ge, November 20, 2021, accessible: <https://civil.ge/ka/archives/456891>, updated: 16.12.2021.

¹⁷⁷ Ibid.

¹⁷⁸ “Georgian politicians should fully respect the independent mandate of the Public Defender”, official webpage of Council Europe, accessible: <https://bit.ly/3dVOn9I>, updated: 16.12.2021.

¹⁷⁹ Ibid.

¹⁸⁰ “A group of specialists/experts, created by the Public Defender, paid an additional visit to Establishment #18 due to the aggravation of Mikheil Saakashvili’s health condition”, official website of the Public Defender of Georgia, November 19, 2021, accessible: <https://bit.ly/3IVRvRi>, updated: 16.12.2021.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ “Conclusion #3 of the group of specialists/experts, created by the Public Defender, on the results of monitoring the medical condition of Mikheil Saakashvili”, official website of the Public Defender of Georgia, November 25, 2021, accessible: <https://bit.ly/3GQq7T2>, updated: 16.12.2021.

¹⁸⁴ Ibid.

Mikheil Saakashvili was transferred to Gori Military Hospital

On November 19, the Minister of Justice, Rati Bregadze, offered Saakashvili to be transferred to the Gori Military Hospital with his consent.¹⁸⁵ He noted that the health and safety of the third president at the hospital would be maximally protected.¹⁸⁶ The minister also stated that if Saakashvili's supporters tried to obstruct his transportation or the work of medical staff, the prisoner would return to Gldani Prison Hospital.¹⁸⁷ On the same day, Elene Khoshtaria, the leader of the party Droa, ended the hunger strike after the Minister of Justice offered to transfer Mikheil Saakashvili to the hospital in Gori.¹⁸⁸

The former President accepted the government's offer and agreed to be transferred to Gldani Military Hospital.¹⁸⁹ He also stated that he would end his hunger strike as soon as he was transferred to Gori, though he said he would not tolerate illegal detention.¹⁹⁰ According to Saakashvili, he was ready to appear before a specially created, impartial, and fair court.¹⁹¹

On November 20, the third president was taken to Gori Military Hospital.¹⁹² Saakashvili's lawyer Nika Gvaramia came there to attend the conditions of his transfer.¹⁹³ Gvaramia said he had to keep an eye to make sure that what had happened at Gldani Prison Hospital would not be repeated.¹⁹⁴

On November 23, the Public Defender issued a decision of the European Court of Human Rights on a temporary measure of November 19, in which the court instructed the authorities to take into account the conclusion of the medical team set up by the Public Defender and called on Mikheil Saakashvili to end the hunger strike.¹⁹⁵ It is important that the date of the decision coincides with the government's offer to take Saakashvili to Gori Hospital.¹⁹⁶

US Senator Jeanne Shaneen welcomed Saakashvili's transfer to the hospital in Gori and Mikheil Saakashvili's decision to end the hunger strike.¹⁹⁷ In addition, US Senators Ron Johnson, Jim Risch, and Ben Cardin, along with Jeanne Shaneen, expressed concern over the steps taken by the government against Saakashvili.¹⁹⁸ They noted that they were closely monitoring the ongoing trials and stressed the importance of their fairness, transparency, and Saakashvili's attendance at the hearings.¹⁹⁹ The senators called on the ruling party to prioritize Saakashvili's health.²⁰⁰

Ruling party attacks against the ombudsman

On November 9, Irakli Kobakhidze, chairperson of the Georgian Dream, said that the Public Defender and the United National Movement had unreasonably demanded Mikheil Saakashvili to be taken to a civilian hospital.

¹⁸⁵ "The Minister of Justice offers Mikheil Saakashvili to be transferred to Gori Military Hospital", information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456610>, updated: 16.12.2021.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ "Elene Khoshtaria ends hunger strike", information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456715>, updated: 16.12.2021.

¹⁸⁹ "Mikheil Saakashvili agrees to end the hunger strike and be taken to Gori hospital", information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456827>, updated: 16.12.2021.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² "Mikheil Saakashvili was taken to Gori Military Hospital", information portal Radio Tavisupleba, November 20, 2021, accessible: <https://www.radiotavisupleba.ge/a/31570227.html>, updated: 16.12.2021.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ "November 19: Strasbourg instructs the government to act on the conclusion of the ombudsman's doctors on the transfer of Saakashvili", information portal Civil.ge, November 23, 2021, accessible: <https://civil.ge/ka/archives/457275>, updated: 16.12.2021.

¹⁹⁶ Ibid.

¹⁹⁷ "US senators express concern over Saakashvili's unfair treatment", information portal Civil.ge, November 22, 2021, accessible: <https://civil.ge/ka/archives/457022>, updated: 16.12.2021.

¹⁹⁸ "Shaheen, Johnson, Risch, Cardin Issue Joint Statement on Former President of Georgia Mikheil Saakashvili", official webpage of Jeanne Shaneen, November 19, 2021, accessible: <https://bit.ly/3EfnMI>, updated: 16.12.2021.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

They only wanted to carry out the radical plans that the rally demanding the release of Saakashvili served.²⁰¹ Kobakhidze said taking Mikheil Saakashvili to a private clinic would have prompted his supporters to release him by force.²⁰² The party chairperson also indicated that the ombudsman was following the agenda of the National Movement.²⁰³ Responding to the government’s criticism of the ombudsman, US Ambassador Kelly Degnan said the institution played an important role in the country’s development and that they deserved praise instead of criticism.²⁰⁴

On November 15, MEPs Marina Kaljurand and Sven Mikser issued a joint statement in support of the ombudsman, who has come under attack from the ruling party for her comments in support of Mikheil Saakashvili.²⁰⁵ According to them, the Public Defender’s Office played a crucial role in Georgian society, and the attacks against its independence were a cause for concern.²⁰⁶

The US Ambassador, Kelly Degnan, and the EU Ambassador, Carl Hartzell, expressed their support for the Office of the Public Defender.²⁰⁷ According to the latter, the agency became the target of attacks because it tried to protect the rights of Mikheil Saakashvili.²⁰⁸

On November 20, twelve NGOs²⁰⁹ expressed concern over the government’s frequent attacks on the ombudsman.²¹⁰ They underscored the ombudsman’s impartial position and called on the ruling party to end its attacks on her and to ensure her smooth working process as a constitutional body.²¹¹

The ruling party, along with the Georgian ombudsman, also criticized her Ukrainian counterpart for the statement, saying the government had violated Saakashvili’s rights protected by the European and UN Conventions against Torture.²¹² Irakli Kobakhidze, the chairperson of the Georgian Dream, said that it was better for the Public Defender of Ukraine to pay attention to the internal affairs of her own country.²¹³ According to one of the leaders of the party, Shalva Papuashvili, the jurisdiction of the Public Defender of Ukraine did not extend to the territory of Georgia.²¹⁴

²⁰¹ “Kobakhidze: Public Defender follows the agenda of the National Movement”, information portal Civil.ge, November 9, 2021, accessible: <https://civil.ge/ka/archives/453972>, updated: 16.12.2021.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ “Kelly Degnan - The Public Defender’s Institute is one of the most important institutions, it is staffed with professional people and deserves praise instead of criticism”, information portal Interpressnews, November 9, 2021, accessible: <https://bit.ly/3228sc8>, updated: 16.12.2021.

²⁰⁵ “Joint statement on the importance of the role of the Public Defender of Georgia”, European Parliament, November 15, 2021, accessible: <https://bit.ly/3ywclwq>, updated: 16.12.2021.

²⁰⁶ Ibid.

²⁰⁷ “EU and US ambassadors call for action to protect Saakashvili’s health”, information portal Civil.ge, November 19, 2021, accessible: <https://civil.ge/ka/archives/456691>, updated: 16.12.2021.

²⁰⁸ Ibid.

²⁰⁹ Transparency International Georgia; International Society for Fair Elections and Democracy; The Open Society Georgia Foundation; Georgian Democratic Initiative; Economic Policy Research Center; Center for Researching Journalistics and Economic Analytics; Sapari; Society and Banks; Green Alternative Georgia’s Reforms Associates; Media Development Foundation; World Experience for Georgia.

²¹⁰ “Ruling Party’s attacks on the Public Defender are of extreme concern”, official webpage of the Transparency International Georgia, November 19, 2021, accessible: <https://bit.ly/3scAMDl>, updated: 16.12.2021.

²¹¹ Ibid.

²¹² “Georgian Dream MPs Criticize Public Defender of Ukraine”, information portal Civil.ge, November 16, 2021, accessible: <https://civil.ge/ka/archives/455684>, updated: 16.12.2021.

²¹³ Ibid.

²¹⁴ Ibid.

November 7, the trial of raiding TV Imedi and Embezzlement of Budget Funds

On November 10, the November 7 case was heard in the city court, where the prosecutor has requested that Mikheil Saakashvili be involved in the trials from the penitentiary institution or remotely.²¹⁵ Saakashvili's lawyers said the prosecution's request was inadmissible.²¹⁶ They demanded the immediate presence of the accused at the trial.²¹⁷ However, the special penitentiary service refused to take Saakashvili to court.²¹⁸ They said there was a risk of destructive actions by Saakashvili supporters.²¹⁹ In addition, they made this decision taking into account the health condition of the third president.²²⁰

The detention measure imposed on Mikheil Saakashvili was lifted, and the next hearing was scheduled for November 29.²²¹ According to Saakashvili's lawyer, Saakashvili's condition at the end of November might have been extremely serious.²²² According to the prosecutor, lifting the measure of restraint against Mikheil Saakashvili does not change the factual situation, as he is convicted in the cases of Girgvliani and Gelashvili.²²³

On November 14 and 15, the Special Penitentiary Service did not allow the former President Mikheil Saakashvili to attend the court hearing on cases of embezzlement of budget funds and illegal border crossing²²⁴ due to provocation by Mikheil Saakashvili's supporters and his health condition.²²⁵ According to the lawyer, Beka Basilaia, the government deprived Saakashvili of his right to protection.²²⁶

On November 16, the Public Defender called on the Penitentiary Service to ensure that Mikheil Saakashvili attended his own trials.²²⁷ She said the actions of the state authorities grossly violated the right of a person to a fair trial protected by the European Convention and the Constitution.²²⁸

On November 18, Ned Price, spokesperson for the United States Department of State, called on the authorities to treat Saakashvili fairly and with dignity.²²⁹ He also stressed the right of a prisoner to a fair trial, noting that he should have been able to attend his own court hearings in person.²³⁰ Concerns about the violation of the right to a fair trial were expressed by 23 MEPs in a joint statement.²³¹ They also condemned the government's decision regarding Anna Fotyga, who was not allowed to visit the third president.²³²

On November 29, Mikheil Saakashvili was taken to trial for the dispersal of the November 7, 2007, anti-

²¹⁵ "The prosecutor has requested that Mikheil Saakashvili be involved in the trials from the penitentiary institution or remotely", information portal Interpressnews, November 10, 2021, accessible: <https://bit.ly/3e13Oxk>, updated: 16.12.2021.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Facebook page of the Special Penitentiary Service, November 10, 2021, accessible: <https://bit.ly/3F2p0Pq>, updated: 16.12.2021.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ "The detention measure imposed Mikheil Saakashvili on the November 7 case has been lifted", information portal Interpressnews, November 10, 2021, accessible: <https://bit.ly/3E0fjQ7>; updated: 16.12.2021; "The next trial for the November 7 case is scheduled on November 29", information portal Interpressnews, November 10, 2021, accessible: <https://bit.ly/3ywhSs4>, updated: 16.12.2021.

²²² Ibid.

²²³ "Prosecutor - Lifting the measure of restraint against Mikheil Saakashvili does not change the factual situation, as he is convicted in the cases of Girgvliani and Gelashvili", information portal Interpressnews, November 10, 2021, accessible: <https://bit.ly/3ywiSMQ>, updated: 16.12.2021.

²²⁴ "Mikheil Saakashvili was still not allowed to attend the trial", information portal Civil.ge, November 15, 2021, accessible: <https://civil.ge/ka/archives/455134>, updated: 16.12.2021.

²²⁵ Official Facebook page of the Special Penitentiary Service November 10, 2021, accessible: <https://bit.ly/31X7a2f>, updated: 16.12.2021.

²²⁶ "Mikheil Saakashvili has been deprived of his right to protection, the court in the country has been abolished ... they already knew on Saturday that the penitentiary was not going to transfer him, | Lawyers' statement", official Facebook page of the Mtavari Arkhi, accessible: <https://www.facebook.com/watch/?v=327883258670530>, updated: 16.12.2021.

²²⁷ "After the third refusal of Saakashvili to attend the trials, the ombudsman raises the alarm", information portal Civil.ge, November 17, 2021, accessible: <https://civil.ge/ka/archives/455832>, updated: 16.12.2021.

²²⁸ Ibid.

²²⁹ "Treatment of former president of Georgia Mikheil Saakashvili", US Department of State, November 18, 2021, accessible: <https://www.state.gov/treatment-of-former>, updated: 16.12.2021.

²³⁰ Ibid.

²³¹ Riho Terras, Twitter post, November 19, 2021, accessible: <https://bit.ly/30wVkef>, updated: 16.12.2021.

²³² Ibid.

government protests and a raid on and “seizure” of Imedi TV.²³³ The panel of judges allowed the former President to make political statements and address the public.²³⁴ Saakashvili said he had been tortured and ill-treated while being transferred from Rustavi Prison to Gldani Hospital.²³⁵ He also reviewed the reasons why he returned to Georgia; in particular, his compatriots called on him to take this step.²³⁶ According to the third president, there was no polarization in Georgia, the society was not divided in two, and the majority of the population was more united than ever.²³⁷ In addition, he called himself a personal prisoner of Putin.²³⁸

Saakashvili’s supporters gathered near the court.²³⁹ However, after a while, the situation at the rally became tense, and the police used the so-called pepper spray against the protesters to calm them down.²⁴⁰

Mikheil Saakashvili’s transfer to the trial was positively assessed by the US Ambassador Kelly Degnan, who noted that this right was enshrined in the Georgian Constitution.²⁴¹ She also hoped that supporters of the third president would act wisely and not obstruct the administration of justice.²⁴²

VISIT OF THE US DEPUTY ASSISTANT SECRETARY OF STATE TO GEORGIA

On November 4, US Deputy Assistant Secretary of State for European and Eurasian Affairs Erika Olson paid an official visit to Georgia.²⁴³ During the visit, she met with representatives of both the government and the opposition,²⁴⁴ as well as non-governmental organizations.²⁴⁵ During the meeting with the civil sector, the US Deputy Assistant Secretary of State discussed the current situation around Saakashvili, among other issues.²⁴⁶ This meeting took place the day after the third president was forcibly transferred from Rustavi Prison to N18 Gldani Penitentiary Hospital.

²³³ “Mikheil Saakashvili was taken to trial”, information portal Civil.ge, November 29, 2021, accessible: <https://civil.ge/ka/archives/458236>, updated: 16.12.2021.

²³⁴ Ibid.

²³⁵ “This trial is my mistake” - Saakashvili’s speech and his assessments, information portal Radio Tavisupleba, November 29, 2021, accessible: <https://bit.ly/3q1yhkC>, updated: 16.12.2021.

²³⁶ “Mikheil Saakashvili’s Courtroom Address”, information portal Civil.ge, November 29, 2021, accessible: <https://civil.ge/ka/archives/458326>, updated: 16.12.2021.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ “US Assistant Secretary of State visits Georgia”, information portal Interpressnews, November 4, 2021, accessible: <https://bit.ly/3p46BvW>, updated: 16.12.2021.

²⁴⁴ „Shaheen, Johnson, Risch, Cardin Issue Joint Statement on Former President of Georgia Mikheil Saakashvili”, official webpage of Jeanne Shaheen, November 19, 2021, accessible: <https://bit.ly/32b7CcB>, updated: 16.12.2021. “US Assistant Secretary of State visits Georgia”, information portal Interpressnews, November 4, 2021, accessible: <https://bit.ly/3p46BvW>, updated: 16.12.2021.

²⁴⁵ “Assistant to the Deputy Secretary of State meets with the heads of non-governmental organizations”, information portal Interpressnews, November 9, 2021, accessible: <https://bit.ly/328Usgz>, updated: 16.12.2021.

²⁴⁶ Ibid.