



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

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Supervisor:

Nanuka Kruashvili

Author:

Lika Chkhetiani

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INTRODUCTION

The Georgian Young Lawyers' Association (GYLA) started implementing the Free, Fair, and Equal Election Political Cycle 2019-2022 project throughout the country in August 2019. One of the project's goals is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing political processes and develop recommendations that will be communicated to the public and presented to decision-makers. We present Newsletter №34, describing the events that took place in July 2022, which impacted the political environment.

I. REPORTS OF AN ALLEGED VOTER BRIBERY SCHEME

On July 21, the non-governmental organizations, Transparency International - Georgia and International Society for Fair Elections and Democracy (ISFED), published a report that pointed to an alleged large-scale scheme of voter bribery and illegal mobilization. Based on the research, the scheme of mobilizing votes in favor of the ruling party was identified, which was highly likely to prove the use of state agencies for party purposes. According to the research, citizens' personal information was probably collected through these agencies to pressure and bribe them in the future. The study was based on the materials provided by a so-called whistleblower, the former deputy head of the State Security Service, Ioseb (Soso) Gogashvili.

According to another study published on July 8 by the Transparency International – Georgia, the financial disparity between the parties remained a problem. According to the research, in 2021, the total revenues and expenses of the Georgian Dream were almost twice those of the other parties, which indicated a highly unequal distribution of funds between the parties.

II. A NEW PUBLIC MOVEMENT FOUNDED BY FORMER MEMBERS OF THE GEORGIAN DREAM

On July 27, MP Mikheil Kavelashvili announced that he would start a new public movement with the other two MPs from the Georgian Dream, Dimitri Khundadze and Sozar Subari.⁷

On July 28, another deputy, Guram Macharashvili, left the Georgian Dream and joined the movement created by the deputies who had left the party. According to Macharashvili, he had considered leaving the party to provide objective and necessary information to the public. 9

On the same day, it became known that the deputies who left the Georgian Dream would start a public movement.¹⁰ Sozar Subari spoke about this at the press conference held in the Parliament and named the movement's

¹ CSOs Release Study Alleging Ruling Party Vote Bribery Scheme, information portal Civil.ge, July 21, 2022, accessible: https://civil.ge/ka/archives/501643, updated: 02.09.2022.

² State resources at the service of the ruling party: Proven methods of vote buying and illegal mobilization of voters in Georgia, official website of the Transparency International - Georgia, July 21, 2022, accessible: https://bit.ly/3RfsfJt, updated: 02.09.2022.

³ Ibid.

⁴ CSOs Release Study Alleging Ruling Party Vote Bribery Scheme, information portal Civil.ge, July 21, 2022, accessible: https://civil.ge/ka/archives/501643, updated: 02.09.2022.

⁵ Georgia's Political Finance in 2021, official website of Transparency International - Georgia, July 8, 2022, accessible: https://bit.ly/3R5KT6u, updated: 02.09.2022.

⁶TI Georgia's Report on Political Finance in 2021, information portal Civil.ge, July 9, 2022, accessible: https://civil.ge/ka/archives/499971, updated: 02.09.2022.

⁷ Facebook page of Mikheil Kavelashvili, July 27, 2022, accessible: https://bit.ly/3KEr1Vw, updated: 02.09.2022.

⁸ Macharashvili joins Kavelashvili, Khundadze, and Subari, information portal Radio Tavisupleba, July 28, 2022, accessible: https://www.radiotavisupleba.ge/a/31963641.html, updated: 02.09.2022.

⁹ Ibid.

¹⁰ Deputies who left the Dream will create a public movement, information portal Radio Tavisupleba, July 28, 2022, accessible: https://www.radiotavisupleba.ge/a/31963806.html, updated: 02.09.2022.

main goals as finding answers to questions in foreign policy, avoiding the threat of war, and ensuring the irreversible process of Georgia's integration into Europe.¹¹

III. PERSONNEL CHANGES IN LOCAL SELF-GOVERNMENT BODIES

On July 11, in the councils of Lagodekhi, Akhaltsikhe, Chiatura, Terjola, and Gori municipalities, the deputy chairpersons of the Georgian Dream faction decided to leave the ruling party. ¹² Giorgi Gambashidze, deputy of the Lagodekhi City Council, announced him leaving the party. According to him, like the parliamentarians who left the Georgian Dream before, he decided to express himself more freely and openly. ¹³ Later, Nika Samkharadze from Chiatura Sakrebulo issued a similar statement. ¹⁴ Gambashidze and Samkharadze were soon joined by Saba Kbilashvili from the Akhaltsikhe Sakrebulo ¹⁵ and Mikheil Goginashvili from the Gori Sakrebulo ¹⁶.

On July 13, Gia Chelishvili and Imada Mgebrishvili, chairpersons of the Georgian Dream faction at Aspindza and Adigeni Sakrebulos, Gia Chelishvili and Imada Mgebrishvili, as well as Telavi municipality council deputy Levan Kochloshvili, announced their resignation from the Georgian Dream and their positions.¹⁷ The deputies explained their decisions with the same arguments to speak freely about the issue listed.¹⁸

IV. THE CASE OF MIKHEIL SAAKASHVILI

According to the doctor Otar Toidze, a member of the council of the non-governmental organization Empathy, the diagnosis of the third president of Georgia, Mikheil Saakashvili, were progressive, and his condition did not improve as a result of being transferred to a civilian hospital.¹⁹ The doctor noted that it was impossible to cure the disease under the mentioned conditions.²⁰ The members of the Council demanded from the beginning to transfer Mikheil Saakashvili abroad for treatment to get actual results.²¹

On July 11, due to Saakashvili's health condition, the court hearing scheduled for the case of embezzlement of a large portion of budget funds was postponed.²²

On July 16, Mikheil Saakashvili's lawyer, Shalva Khachapuridze, addressed the Parliament with a legislative proposal regarding expanding the content of the article of the Criminal Code, which was related to the postponement of the prisoner's sentence due to illness.²³ According to the current version of the legislation, the sentence could be postponed only in case of serious illness.²⁴ According to the explanatory card of the draft law, as a result of the change, this should become possible even when the convict was not suffering from a severe illness but rather

¹¹ Ibid.

¹² Five Georgian Dream Councilors Quit Party, Posts, information portal Civil.ge, July 11, 2022, accessible: https://civil.ge/ka/archives/500081, updated: 02.09.2022.

¹³ Facebook page of Giorgi Gambashidze, July 11, 2022, accessible: https://bit.ly/3SStcJ8, updated: 02.09.2022.

¹⁴ Facebook page of Nika Samkharadze, July 11, 2022, accessible: https://bit.ly/3bTpLRu, updated: 02.09.2022.

¹⁵ Facebook page of Saba Kbilashvili, July 11, 2022, accessible: https://bit.ly/3pdQueR, updated: 02.09.2022.

¹⁶ Facebook page of Mikheil Goginashvili, July 11, 2022, accessible: https://bit.ly/3du21no, updated: 02.09.2022.

¹⁷ Three More Georgian Dream Local Councilors Quit Post, Party, information portal Civil.ge, July 13, 2022, accessible: https://civil.ge/ka/archives/500477, updated: 02.09.2022.

¹⁸ Ibid.

¹⁹ The Empathy Council doctor: "Such treatment of Saakashvili would not give us results, we said," information portal Radio Tavisupleba, July 8, 2022, accessible: https://www.radiotavisupleba.ge/a/31934659.html, updated: 02.09.2022.

²¹ Lika Chkhetiani, Newsletter №33, June 2022, the Georgian Young Lawyers' Association, p. 5, the Georgian Young Lawyers' Association website, accessible: https://bit.ly/3AkHPxr, updated: 02.09.2022.

²² Due to Saakashvili's health condition, the court hearing of the so-called Jacket Case was postponed, information portal Radio Tavisupleba, July 11, 2022, accessible: https://www.radiotavisupleba.ge/a/31937851.html, updated: 02.09.2022.

²³ Saakashvili's lawyer appeals to the parliament to extend the law on the postponement of the sentence, information portal Radio Tavisupleba, July 19, 2022, accessible: https://www.radiotavisupleba.ge/a/31950163.html, updated: 02.09.2022.

²⁴ Ibid.

several diseases created a health condition incompatible with imprisonment. ²⁵

On July 29, Khachapuridze said that the chances of postponing the third president's sentence had increased and that Saakashvili was no longer interested in Georgian politics.²⁶ The chairperson of the National Movement, Nika Melia, called this a defense strategy of the lawyers.²⁷

On July 14, Carl Hartzell announced that they were closely monitoring the health condition of the former president and insisted that the authorities protect Saakashvili's rights as a prisoner, provide him with proper treatment, and the right to a fair trial.²⁸

V. RELATIONS BETWEEN GEORGIA AND THE EUROPEAN UNION

5.1. Pro-European demonstrations

On July 3, the public movement Home to Europe held its third pro-European rally in Tbilisi.²⁹ The primary demand of the demonstration was the resignation of the Prime Minister and the creation of a government based on national consensus, which would ensure the implementation of the recommendations of the European Commission regarding obtaining the status of a candidate for EU membership.³⁰ The rally was organized by civil society.³¹ Representatives of the Lelo for Georgia joined the demonstration.³² Part of the protestors also gathered at the head office of the Georgian Dream and part - at the government chancellery to disrupt the government session.³³ Irakli Gharibashvili responded to the demands of the protestants.³⁴ He noted that the action ended without results and nothing threatened the stability of his government.³⁵ Mamuka Khazaradze, the leader of the Lelo for Georgia, stated that the solution to the existing problem was possible only by creating a government of national consensus.³⁶ According to the leader of the Girchi, Iago Khvichia, the only way to overcome the crisis was to adopt a natural electoral threshold through constitutional amendments and hold new elections.³⁷ Ambassador of the European Union, Carl Hartzell, called peaceful demonstrations a powerful democratic tool of involvement in the process.³⁸

²⁵ Ibid.

²⁶ According to Melia, it is part of the lawyers' strategy that Saakashvili "is no longer interested in politics," information portal Radio Tavisupleba, July 31, 2022, accessible: https://www.radiotavisupleba.ge/a/31967472.html, updated: 02.09.2022.

²⁷ Ibid.

²⁸ Hartzell: we insist on the authorities to protect Saakashvili's rights as a prisoner, information portal Radio Tavisupleba, July 14, 2022, accessible: https://www.radiotavisupleba.ge/a/31942992.html, updated: 02.09.2022.

²⁹ In front of the Parliament, the rally Going Home - to Europe has started, information portal Radio Tavisupleba, July 3, 2022, accessible: https://www.radiotavisupleba.ge/a/31927058.html, updated: 02.09.2022.

³⁰ The rally Going Home - to Europe ended at the Administration of the Government of Georgia, information portal Radio Tavisupleba, July 4, 2022, accessible: https://www.radiotavisupleba.ge/a/31927988.html, updated: 02.09.2022.

³¹ Leaders and supporters of the party Lelo march from the area of the Opera House to the Parliament, information portal InterpressNews, July 3, 2022, accessible: https://bit.ly/3cCTrmm, updated: 02.09.2022.

³² Ibid.

³³ Leaders Mull Plans as Pro-EU Rally Peters Out, information portal Civil.ge, July 4, 2022, accessible: https://civil.ge/ka/archives/499516, updated: 02.09.2022.

³⁴ The demonstrations ended without results - Gharibashvili on rallies of the movement Going Home - to Europe, information portal Radio Tavisupleba, July 8, 2022, accessible: https://www.radiotavisupleba.ge/a/31934911.html, updated: 02.09.2022.

³⁶ Mamuka Khazaradze - there is polarization between Ivanishvili's government and the rest of Georgia; the only way to solve this is to create a government of national consensus - the protest will not stop until we reach our goal, information portal InterpressNews, July 3, 2022, accessible: https://bit.ly/3Rqsv8N, updated: 02.09.2022.

³⁷ Iago Khvichia - I do not agree with the demands of the rally, but agree with the demands of the people, about the European future of Georgia, information portal InterpressNews, July 3, 2022, accessible: https://bit.ly/3wPRpGu, updated: 02.09.2022.

³⁸ Hartzell addressing the citizens – "Once in every four years you can tell no to those who disappoint you," information portal Radio Tavisupleba, July 14, 2022, accessible: https://www.radiotavisupleba.ge/a/31942951.html, updated: 02.09.2022.

5.2. Views of political parties on the implementation of the recommendations of the European Commission

On July 1, the chairperson of the ruling party, Irakli Kobakhidze, presented a plan to implement the recommendations proposed by the European Commission for Georgia to obtain the status of a candidate for EU membership.³⁹ While working on proposals, non-governmental organizations expressed willingness to cooperate with the authorities.⁴⁰ The civil society also proposed its plan to implement the 12-point recommendations to the government.⁴¹

The first point of the Georgian Dream plan was related to reducing political polarization and, for this purpose, announcing a moratorium on aggressive rhetoric. ⁴² Salome Samadashvili, a member of the Lelo for Georgia, responded to this, calling the polarization monitoring group initiated by the ruling team a "censorship committee" and noted that the depolarization plan had already been written down at the so-called Charles Michel Agreement. ⁴⁴

On July 4, a meeting of the representatives of the parliamentary opposition was held, where they discussed the recommendations of the European Commission. For this purpose, they emphasized the need to take concrete steps quickly, while the proposal of the ruling team on the creation of commissions was evaluated as an attempt to prolong the time.⁴⁵

On July 25, part of the parliamentary opposition⁴⁶, together with the non-governmental sector and experts, in parallel with the working groups and commissions of the ruling team, started an alternative work process.⁴⁷ According to Giorgi Vashadze, the leader of the Strategy Agmashenebeli, their goal was to prepare legislative projects corresponding to the recommendations on all twelve topics, which should be registered in the Parliament in September.⁴⁸

5.3. Delegation of MEPs to Georgia

On July 20, a delegation of European Parliamentarians⁴⁹ led by David McAllister (Group of the European People's Party, Christian Democrats) met with President Salome Zurabishvili during a two-day visit to Georgia.⁵⁰ At the press conference held after the meeting, McAllister noted that the talk about Georgia was always accompanied by the issue of polarization, which should be changed.⁵¹ MEPs also met with the Prime Minister, leaders of the

³⁹ The Georgian Dream presented a plan to fulfill the 12 conditions of the European Union, information portal Radio Tavisupleba, July 1, 2022, accessible: https://www.radiotavisupleba.ge/a/31924843.html, updated: 02.09.2022.

⁴⁰ CSOs Ready to Work on EU Recommendations with Government, information portal Civil.ge, July 12, 2022, accessible: https://civil.ge/ka/archives/500270, updated: 02.09.2022.

⁴¹ CSOs Propose Plan to Meet EU Recommendations, information portal Civil.ge, July 28, 2022, accessible: https://civil.ge/ka/archives/502353, updated: 02.09.2022.

⁴² The Georgian Dream presented a plan to fulfill the 12 conditions of the European Union, information portal Radio Tavisupleba, July 1, 2022, accessible: https://www.radiotavisupleba.ge/a/31924843.html, updated: 02.09.2022.

⁴³ Samadashvili on the Dream plan: I hope the opposition is not going to play the meaningless game of the government, information portal Radio Tavisupleba, July 1, 2022, accessible: https://www.radiotavisupleba.ge/a/31924886.html, updated: 02.09.2022.

⁴⁴ Ibid.

⁴⁵ The meeting of the opposition has ended - "The country does not need to create any commissions and work in commissions.", information portal Radio Tavisupleba, July 4, 2022, accessible: https://www.radiotavisupleba.ge/a/31928419.html, updated: 02.09.2022.

⁴⁶ They are the UNM, Lelo for Georgia, Strategy Agmashenebeli, Party for Georgia, Independent MPs: Tamar Charkviani, Tamar Kordzaia, Shalva Shavgulidze, Armaz Akhvlediani.

See Part of the opposition has started an alternative work process to fulfill the recommendations of the European Commission, information portal Civil.ge, July 25, 2022, accessible: https://civil.ge/ka/archives/502000, updated: 02.09.2022.

⁴⁷ Part of the opposition has started an alternative work process to fulfill the recommendations of the European Commission, information portal Civil.ge, July 25, 2022, accessible: https://civil.ge/ka/archives/502000, updated: 02.09.2022.

⁴⁸ Part of the opposition is planning a separate process to fulfill the 12 conditions of the European Union, information portal Radio Tavisupleba, July 22, 2022, accessible: https://www.radiotavisupleba.ge/a/31955588.html, updated: 02.09.2022.

⁴⁹ The delegation consisted of David McAllister (Group of the European People's Party, Christian Democrats), Željana Zovko (Group of the European People's Party, Christian Democrats), Sven Mikser (Group of the Progressive Alliance of Socialists and Democrats in the European Parliament), Viola Von Cramon-Taubadel (Group of the Greens/European Free Alliance), Thierry Mariani (Identity and Democracy Group), and Assita Kanko (European Conservatives and Reformists Group).

⁵⁰ Delegation of MEPs Meets with Georgian President, information portal Civil.ge, July 20, 2022, accessible: https://civil.ge/ka/archives/501433, updated: 02.09.2022.

⁵¹ Ibid.

Georgian Dream, parliamentary political parties, civil society representatives, and the Public Defender.⁵² After the meeting, Irakli Gharibashvili noted that it was a pity that the European Union used a differentiated approach towards Georgia and did not grant it the candidate status.⁵³

On July 22, Viola von Cramon (Group of the Greens/European Free Alliance), a member of the MEP delegation,⁵⁴ said on Twitter that the EU candidacy would not be achieved by one single party but through the unity of the political class.⁵⁵

5.4. Change of the head of the EU delegation in Georgia

On July 20, the Ambassador of the European Union to Georgia, Carl Hartzell, bid farewell to the Georgian population in a video message as a sign of the end of his diplomatic mandate.⁵⁶ In his address, he emphasized that the European Union officially recognized Georgia as a potential future member due to the processes developed in the last period.⁵⁷

Carl Hartzell has headed the EU Delegation since 2018, and his four-year term ends in September 2022.⁵⁸ The EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, has already named Pawel Herczynski as the new head of the delegation.⁵⁹

After the distribution of the video announcement, the chairperson of the ruling party, Irakli Kobakhidze, noted that "Carl Hartzell had only a negative role in the relations between the European Union and Georgia," and according to the chairperson of the Foreign Relations Committee of the Parliament, Nikoloz Samkharadze, Carl Hartzell "could have worked better to get the status of a candidate for Georgia."

Peter Stano, the EU Spokesperson for Foreign Affairs and Security, responded to the criticism.⁶² He pointed out that blaming others for failing to fulfill their ambitions only proved the need for more time to understand how the EU worked.⁶³

5.5. Draft report on the implementation of the Association Agreement by Georgia

On July 13, at the meeting of the Foreign Relations Committee of the European Parliament, the draft of the annual report on the implementation of the Association Agreement by Georgia was discussed, which would be the basis for the European Parliament's resolution.⁶⁴ The report was based on the evaluations received by the European Commission on Georgia's application for joining the European Union.⁶⁵ The report's author, MEP Sven Mikser, called on the Georgian authorities to protect the highest standard of democracy, the rule of law, and fundamental

⁵² Members of the European Parliament delegation met with the Chairperson of the Parliament and representatives of the opposition, information portal Radio Tavisupleba, July 20, 2022, accessible: https://www.radiotavisupleba.ge/a/31952441.html, updated: 02 09 2022

⁵³ The Prime Minister at the meeting with the European parliamentarians: it is a pity that the differentiated approach was used towards Georgia, information portal Radio Tavisupleba, July 21, 2022, accessible: https://www.radiotavisupleba.ge/a/31954034.html, updated: 02.09.2022.

⁵⁴ Groups working on EU recommendations do not show unity – says Cramon, information portal Radio Tavisupleba, July 20, 2022, accessible: https://www.radiotavisupleba.ge/a/31955506.html, updated: 02.09.2022.

⁵⁵ Viola von Cramon, Twitter post, July 22, 2022, 5:09 PM, accessible: https://bit.ly/3w4rTNi, updated: 02.09.2022.

⁵⁶ The EU Ambassador to Georgia bids goodbye to the people of Georgia - Until the next meeting, information portal Radio Tavisupleba, July 20, 2022, accessible: https://www.radiotavisupleba.ge/a/31951490.html, updated: 02.09.2022.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ GD Chair Slams EU Ambassador as Tenure Ends, information portal Civil.ge, July 20, 2022, accessible: https://civil.ge/ka/archives/501504, updated: 02.09.2022.

⁶¹ Ibid.

⁶² Peter Stano, Twitter post, July 21, 2022, 3:04 PM, accessible: https://bit.ly/3QF4KcJ, updated: 02.09.2022.

⁶³ Ibid

⁶⁴ The draft of the critical report on Georgia was discussed in the committee of the European Parliament, information portal Radio Tavisupleba, July 13, 2022, accessible: https://www.radiotavisupleba.ge/a/31941447.html, updated: 02.09.2022.

⁶⁵ Ibid.

freedoms and noted that to implement European aspirations, the report called on the authorities to fulfill the priorities set by the European Commission.⁶⁶ Mikser noted with regrets the deep political polarization in the country and added that the EU-mediated agreement of April 19, 2021, remained a path to strengthening democracy and the rule of law in the country.⁶⁷

Speaking about the draft report, MEP Markéta Gregorová said that Georgia was facing a historic opportunity and that the Georgian government should work with the opposition.⁶⁸ MEP Anna Fotyga advised the country's ruling elite to change their attitude and noted that Georgia needed an inclusive government.⁶⁹

It should be noted that at the session held in the European Parliament on July 13, the representative of the European Commission, Michael Rupp, said that the European Commission would extend the six-month deadline for the implementation of reforms in Georgia until the fall of 2023. The evaluation of Georgia's implementation of 12 recommendations will be presented together with the 2023 expansion package of the Commission. Rupp noted that they would not rush Georgia's political elite in the depolarization process and allow the country to work on reforms thoroughly. It

VI. THE ISSUE OF THE ELECTORAL THRESHOLD

On July 7, the chairperson of the Georgian Dream, Irakli Kobakhidze, said that if the country received the status of a candidate for EU membership, the Georgian Dream was ready to make constitutional changes and lower the threshold for 2024 and all subsequent parliamentary elections from 5 percent to 2 percent. Kobakhidze noted that the electoral threshold was not among the 12 conditions of the European Union, that's why they did not plan to implement the constitutional change before the European Union's decision regarding the candidate's status.

The mentioned statement was evaluated negatively by the opposition parties. According to Levan Bezhashvili, a member of the National Movement faction, Irakli Kobakhidze practically presented an ultimatum to the European Union.⁷⁴

It should be noted that the Parliament of Georgia supported the constitutional amendments regarding the electoral threshold in the first reading on September 7, 2021,⁷⁵ after which the discussions were no longer continued. On November 2, 2021, Irakli Kobakhidze stated that the government had no obligation to accept the constitutional amendment.⁷⁶ Lowering the electoral threshold was a part of the April 19 Agreement, which the ruling party declared void one hundred days after its signing.⁷⁷

⁶⁶ European Parliament Considers Draft Assessment on Georgia's Compliance with Association Agreement, information portal Civil. ge, July 13, 2022, accessible: https://civil.ge/ka/archives/500465, updated: 02.09.2022.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ European Commission Extends Georgia's Deadline for EU Reforms, information portal Civil.ge, July 14, 2022, accessible: https://civil.ge/ka/archives/500603, updated: 02.09.2022.

⁷¹ Ibid.

⁷² The Georgian Dream is ready to lower the threshold to 2% if Georgia receives the EU candidate status, information portal Radio Tavisupleba, July 7, 2022, accessible: https://www.radiotavisupleba.ge/a/31933067.html, updated: 02.09.2022.

⁷⁴ "Ultimatum, absurdity, "revealed trick" - the opposition evaluated Kobakhidze's initiative regarding the electoral barrier, information portal Radio Tavisupleba, July 7, 2022, accessible: https://www.radiotavisupleba.ge/a/31933323.html, updated: 02.09.2022.

⁷⁵ The Georgian Dream is ready to lower the threshold to 2% if Georgia receives the EU candidate status, information portal Radio Tavisupleba, July 7, 2022, accessible: https://www.radiotavisupleba.ge/a/31933067.html, updated: 02.09.2022.

Nanuka Kruashvili, Newsletter №26, November 2021, the Georgian Young Lawyers' Association, p. 5, the Georgian Young Lawyers' Association website, accessible: https://bit.ly/3zTkwcF, updated: 02.09.2022.

⁷⁷ Ibid.