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**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

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

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INTRODUCTION

Since August 2019, Georgian Young Lawyers' Association (GYLA) started the implementation of the project Free, Fair and Equal Election electoral political cycle during 2019-2022 throughout Georgia. One of the goals of the project is to promote the improvement of the election environment through monitoring and evidence-based advocacy. In order to achieve this, the organisation will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. At the moment we present Newsletter #25, which describes the events of October that have had an impact on the political environment.

I. THE RETURN OF MIKHAIL SAAKASHVILI TO GEORGIA AND HIS ARREST

On October 1, former President Mikheil Saakashvili posted a video filmed in Batumi on his social network.¹ His presence in his homeland was also confirmed by members of the United National Movement.² Nevertheless, the Ministry of Internal Affairs claimed that Saakashvili's return to Georgia was not true.³ In the video, the former president called on the population to gather at Freedom Square on October 3, the day after the local elections.⁴ Mamuka Mdinardze, one of the leaders of the Georgian Dream, denied that Saakashvili had crossed the Georgian border.⁵ According to him, there was an "unmistakable information" that he was in Ukraine.⁶ Similarly, according to Irakli Kobakhidze, the chairman of the Georgian Dream, the third president did not return to his homeland and that video was not recorded in Georgia.⁷ Elene Khoshtaria, chairwoman of the Droa party, said she had no information about Saakashvili's whereabouts, however, in any case, this fact should not have caused any disturbance.⁸ In addition, according to her statement, the author of the "messages of disgust and unrest" was only the "Georgian Dream".⁹ According to the leader of "Girchi", Iago Khvichia, Saakashvili, in agreement with the ruling party, published a low-quality and fake video and with this step he helped the "Georgian Dream" against the opposition voters.¹⁰ A similar statement was made by the leader of the party "For the People", Ana Dolidze.¹¹ She said that the arrival of the former president not only encouraged his constituents but also the supporters of

¹ Mikheil Saakashvili's Facebook page, October 1, 2021, available: <https://www.facebook.com/watch/?v=39>, updated: 15.11.2021.

² "Eka Kherkheulidze on Saakashvili's entry into Georgia: This is the "puzzle of the Georgian Dream", information portal "Radio Tavisupleba", October 1, 2021, available at: <https://www.radiotavisupleba.ge/a/31487373.html>, updated: 15.11.2021; "Tina Bokuchava - Saakashvili is just fulfilling his word", information portal "Interpressnews", October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676618>, updated: 15.11.2021; "Zaal Udumashvili - how he arrived in Georgia and when he arrived in Georgia does not matter now, the main thing is that Saakashvili is in Georgia", information portal "Interpressnews", October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676634>, updated: 15.11.2021.

³ "According to Mikheil Saakashvili, he arrived in Georgia, the Ministry of Internal Affairs denies the information", information portal "Civil.ge", October 1, 2021, available at: <https://civil.ge/ka/archives/444411>, updated: 15.11.2021.

⁴ Mikheil Saakashvili's Facebook page, October 1, 2021, available at: <https://www.facebook.com/watch/?v=152343097033172>, updated: 15.11.2021.

⁵ According to Mikheil Saakashvili, he arrived in Georgia, the Ministry of Internal Affairs denies the information", information portal "Civil.ge".

⁶ Ibid.

⁷ "Kobakhidze: Saakashvili is not in Georgia", information portal "Formulanews", October 1, 2021, available at: <https://formulanews.ge/News/57478>, updated: 15.11.2021.

⁸ "Elene Khoshtaria - "I have no information whether Saakashvili is here or not - everything should be absolutely peaceful in case of any scenario"", information portal "Interpressnews", October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676625>, updated: 15.11.2021.

⁹ Ibid.

¹⁰ Ibid.

¹¹ "Ana Dolidze - This sluggish government has turned our country into a 'Ninia's garden' - the shadow of Saakashvili and Ivanishvili should not frighten us", information portal "Interpressnews", October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676730>, updated: 15.11.2021.

the ruling party.¹²

On October 1, Mikheil Saakashvili was detained by law enforcers in Tbilisi and transferred to Rustavi Penitentiary Establishment # 12.¹³ The Prime Minister, Irakli Gharibashvili made a statement about it at the briefing.¹⁴ He noted that the authorities were aware of the former president's presence in Georgia, but they chose an appropriate time for his arrest so that the operation could proceed smoothly.¹⁵

Irakli Kobakhidze congratulated the Prime Minister on the successful conduct of the operation to arrest the former president. According to him, this should be the “crowning” of the case that Bidzina Ivanishvili started 10 years ago.¹⁶ Mamuka Mdinardze apologized to the public for his statement made on October 1, where he denied Saakashvili's presence in Georgia.¹⁷ He explained that this was due to a secret operation planned by the Georgian law enforcers, which was a great success.¹⁸

After Saakashvili's arrest, President Salome Zurbishvili said she would never pardon the country's third president.¹⁹ She has also noted that Saakashvili had arrived in Georgia despite international advice and warnings, and accused him of trying to destabilize the October 2 elections.²⁰ For reference, Mikheil Saakashvili was sentenced to 6 years in prison in 2018 as a result of pardoning the convicts in the case of Sandro Girgvliani and finding them guilty in the case of beating Valeri Gelashvili.²¹

The US State Department made a statement about Saakashvili's arrest, which called on the ruling party to “treat the prisoner fairly”.²² State Department spokesman, Ned Price, stated that the United States is closely following the Saakashvili case and its development.²³

On October 3, the President of Ukraine announced that he would be involved in the process of returning Ukrainian citizen Mikheil Saakashvili to Kiev.²⁴ He also pointed out that Saakashvili's return to Georgia was wrong because he held a state position in Ukraine.²⁵

Law enforcement launched an investigation into the case of Saakashvili crossing the Georgian border illegally, during which several people were detained.²⁶ The detainees allegedly provided Mikheil Saakashvili with transport

¹² Ibid.

¹³ “What do we know about the details of Mikheil Saakashvili's arrest at the moment?”, information portal “Radio Tavisupleba”, October 1, 2021, available at: <https://www.radiotavisupleba.ge/a/%E1%83%A>, updated: 15.11.2021.

¹⁴ “Prime Minister: Mikheil Saakashvili is detained”, information portal “Civil.ge”, October 1, 2021, available at: <https://civil.ge/ka/archives/444853>, updated: 15.11.2021.

¹⁵ Ibid.

¹⁶ “Irakli Gharibashvili - We understand very well that Saakashvili is a guilty and a criminal. He has acted shamefully many times, but, we treated even this disgraceful man as our people and culture deserve,” information portal “Interpressnews”, October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676758>, updated: 15.11.2021.

¹⁷ “Mamuka Mdinardze apologizes to the public for the statements of Georgian Dream members that Mikheil Saakashvili was not in Georgia”, information portal “Interpressnews”, October 2, 2021, available at: <https://www.interpressnews.ge/ka/article/676869>, updated: 15.11.2021.

¹⁸ Ibid.

¹⁹ “According to Zurbishvili Saakashvili Will ‘Never’ Be Pardoned by her”, information portal “Civil.ge”, October 2, 2021, available at: <https://civil.ge/ka/archives/444977>, updated: 15.11.2021.

²⁰ Ibid.

²¹ “The court found Saakashvili guilty of pardoning the convicts for Girgvliani's murder”, information portal “Civil.ge”, January 5, 2018, available at: <https://civil.ge/ka/archives/219224>, updated: 15.11.2021; “The Court of Appeals upheld the guilty verdict against Saakashvili”, information portal “Civil.ge”, November 22, 2018, available at: <https://civil.ge/ka/archives/267176>, updated: 15.11.2021.

²² “Department Press Briefing – October 4, 2021”, US Department of State, 4 October 2021, available at: <https://www.state.gov/briefings/department>, updated: 15.11.2021.

²³ Ibid.

²⁴ “Ukraine always returns its citizens, including Saakashvili - Volodymyr Zelenskyy”, President of Ukraine, 3 October 2021, available at: <https://www.president.gov.ua/en/news>, updated: 15.11.2021.

²⁵ Ibid.

²⁶ “New details of Mikheil Saakashvili's case”, information portal “Civil.ge”, October 4, 2021, available at: <https://civil.ge/ka/archives/446112>, updated: 15.11.2021; “The Case of Mikheil Saakashvili: MIA Detained another person”, information portal “Civil.ge”, October 20, 2021, available at: <https://civil.ge/ka/archives/449015>, updated: 15.11.2021..

and accommodation inside the country.²⁷ The former president has been charged in several other cases. He is accused of embezzling budget funds, dispersing the November 2007 protest and invading Imedi TV.²⁸

On October 1, Public Defender Nino Lomjaria visited Mikheil Saakashvili in prison.²⁹ After the meeting, she noted that the former president denied the charges, considered himself a political prisoner and went on a hunger strike.³⁰

On October 4, the director of the Mtavari Channel, Nika Gvaramia, visited Saakashvili.³¹ After the visit, he introduced a letter written by the President to the public.³² According to Saakashvili, he would continue his hunger strike until he and the detainees were released.³³ Moreover, he refused any medical attention, even if he was unconscious.³⁴

The Prime Minister, Irakli Gharibashvili, spoke about the reasons for Saakashvili's arrival in Georgia.³⁵ In his opinion, he was driven by the hope of a coup d'état.³⁶ He called the revolutionary intentions of the former president and the United National Movement unsuccessful and said that the opposition party was a "group of losers with criminal tendencies".³⁷ In addition, the Prime Minister threatened Saakashvili with other charges if he would not act "properly".³⁸

According to Khatuna Samnidze, a member of the Republican Party, every statement of the Prime Minister proved that Saakashvili was a political prisoner.³⁹ According to her, instead of easing the situation, while the prisoner was on hunger strike, the ruling party was making hateful and disgusting statements.⁴⁰ A similar comment was made by the leader of "United Georgia" Nino Burjanadze.⁴¹ She noted that Gharibashvili's threats to add articles to Mikhei Saakashvili's case were referring to the status of Saakashvili as a political prisoner.⁴²

On October 10, the People's Movement held a rally in support of the former president on Rustaveli Avenue.⁴³ According to its leader, MP Tako Charkviani, it was a warning action for the government.⁴⁴ According to her, the third president ousted by Russia should not have been judged by "the government working on Russia".⁴⁵ On the

²⁷ Ibid.

²⁸ "Statement of the Prosecutor's Office of Georgia", website of the Prosecutor's Office of Georgia, October 1, 2021, available at: <https://pog.gov.ge/news/https>, updated: 15.11.2021.

²⁹ "The Public Defender - as Saakashvili claims, he was alone during the arrest, no force was used - he does not agree with the conviction and considers himself a political prisoner", information portal "Interpressnews", October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676797>, updated: 15.11.2021.

³⁰ Ibid.

³¹ "Mikheil Saakashvili - there will be a hunger strike until the end of my life - I have refused medical intervention in advance if I am unconscious", information portal "Interpressnews", October 4, 2021, available at: <https://www.interpressnews.ge/ka/article/677368>, updated: 15.11.2021.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ "Prime Minister talks about Mikheil Saakashvili's arrival in Georgia", information portal "Civil.ge", October 6, 2021, available at: <https://civil.ge/ka/archives/446526>, updated: 15.11.2021.

³⁶ Ibid.

³⁷ Ibid.

³⁸ "Prime Minister on Mikheil Saakashvili: "He should behave properly, otherwise I will add more articles", information portal "Civil.ge", October 4, 2021, available at: <https://civil.ge/ka/archives/445971>, updated: 15.11.2021.

³⁹ "Khatuna Samnidze - Every word uttered and written by the Prime Minister proves that Saakashvili is an object of political persecution", information portal "Interpressnews", October 7, 2021, available at: <https://www.interpressnews.ge/ka/article/677754>, updated: 15.11.2021.

⁴⁰ Ibid.

⁴¹ "Nino Burjanadze - Gharibashvili himself says that Saakashvili is a political prisoner!", information portal "Interpressnews", October 6, 2021, available at: <https://www.interpressnews.ge/ka/article/677661>, updated: 15.11.2021.

⁴² Ibid.

⁴³ "People's Movement Holds Rally in Support of Mikheil Saakashvili on Rustaveli Avenue", information portal "Interpressnews", October 10, 2021, available at: <https://www.interpressnews.ge/ka/article/678206>, updated: 15.11.2021.

⁴⁴ Ibid.

⁴⁵ Ibid.

same day, according to the third president's personal doctor, his health condition deteriorated,⁴⁶ but according to the special penitentiary service, Saakashvili's condition was satisfactory.⁴⁷ On October 14, Zaal Udumashvili, one of the leaders of the United National Movement, stated that there was a great danger of Saakashvili's deteriorating health after a 14-day hunger strike.⁴⁸

On October 18, about 70 European politicians signed an open letter in which they described Mikheil Saakashvili's detention as a tool to deepen the political crisis.⁴⁹ According to them, the former president's detention was to be stopped "until he is brought to justice on the charges brought against him".⁵⁰ In response to this letter, the Prime Minister, Irakli Gharibashvili, stated that it did not matter how many MEPs demanded Saakashvili's release, as no one could stand against the administration of justice.⁵¹

On October 19, a group of MEPs issued a joint statement calling for the release of Mikheil Saakashvili from custody pending his trial by the European Court of Human Rights.⁵² In their view, the imprisonment of the former president and opposition leader raised doubts about the political motivation of the process.⁵³ In response to this letter, the Prime Minister indicated that for him and the country, the MEPs were nothing.⁵⁴ He said that the state could not be ruled by the instructions of the members of the European Parliament and added that "everyone should take care of their country".⁵⁵

On October 4 and 24, rallies in support of Saakashvili were held near the Rustavi prison.⁵⁶ The participants demanded that the former president leave the penitentiary.⁵⁷ Nika Melia spoke about the importance of the second round of the elections at the protest rally and noted that it was closely connected with Saakashvili's release.⁵⁸

Regarding the hunger strike of the third president, Irakli Gharibashvili pointed out that by law he had the right to commit suicide and the state could not take responsibility for it.⁵⁹ In addition, he noted that, if necessary, Saakashvili would be transferred to Gldani prison for treatment.⁶⁰ The Prime Minister's statement was criticized

⁴⁶ "Saakashvili's personal doctor - Mikheil Saakashvili's condition has deteriorated", information portal "Interpressnews", October 10, 2021, available at: <https://www.interpressnews.ge/ka/article/678218>, updated: 15.11.2021.

⁴⁷ "Special Penitentiary Service - Mikheil Saakashvili's health condition is satisfactory at the moment", information portal "Interpressnews", October 10, 2021, available at: <https://www.interpressnews.ge/ka/article/678219>, updated: 15.11.2021.

⁴⁸ "Zaal Udumashvili - Saakashvili's health condition is in serious danger of deteriorating, the body is not consisted of iron, a 14-day hunger strike will show traces", information portal "Interpressnews", October 14, 2021, available at: <https://www.interpressnews.ge/ka/article/678760>, updated: 15.11.2021.

⁴⁹ "Members of European Parliament: Saakashvili's detention should be terminated before a fair trial", information portal "Formulanews", October 14, 2021, available at: <https://formulanews.ge/News/58366>, updated: 15.11.2021.

⁵⁰ Ibid.

⁵¹ "Prime Minister criticizes MEPs for the statement about Saakashvili", information portal "Civil.ge", October 19, 2021, available at: <https://civil.ge/ka/archives/448831>, updated: 15.11.2021.

⁵² Signed by Andrius Kubilius, Co-Chair of the Euronext Parliamentary Assembly; Rasa Yuknevichien, Head of the South Caucasus Delegation for Relations (DSCA), Riho Terras, Miriam Lexmann and Sandra Kalniete. See. "Statement on the rule of law situation in Georgia", Frakcija Europos Parlamente, 19 October 2021, available at: <https://elpnariai.lt/en/statement>, updated: 15.11.2021.

⁵³ Ibid.

⁵⁴ "MEPs Talk "Political Nature" of Saakashvili's Imprisonment, GD Lashes Back", information portal "Civil.ge", October 20, 2021, available at: <https://civil.ge/archives/448997>, updated: 19.11.2021.

⁵⁵ Ibid.

⁵⁶ "A rally in support of Mikheil Saakashvili is taking place near the Rustavi prison", information portal Interpressnews, October 24, 2021, available at: <https://www.interpressnews.ge/ka/article/680237>, updated: 15.11.2021; "Nika Melia - the fight continues until the end, victory will come very soon", news portal Interpressnews, October 4, 2021, available at: <https://www.interpressnews.ge/ka/article/677330>, updated: 15.11.2021.

⁵⁷ "Rally in support of Mikheil Saakashvili is taking place near Rustavi prison", information portal "Interpressnews", October 24, 2021, available at: <https://www.interpressnews.ge/ka/article/680237>, updated: 15.11.2021.

⁵⁸ "Nika Melia - Why does the enraged Gharibashvili walk from city to city and why does he curse the rest of Georgia? "He cannot win with any tricks", information portal "Interpressnews", October 24, 2021, available at: <https://www.interpressnews.ge/ka/article/680243>, updated: 15.11.2021.

⁵⁹ "Prime Minister - the law states that a person has the right to commit suicide, if a person decides that he should commit suicide, he can commit suicide, the state can not take responsibility for this", information portal "Interpressnews", October 28, 2021, available at: <https://www.interpressnews.ge/ka/article/680951>, updated: 15.11.2021.

⁶⁰ Ibid.

by the representatives of the opposition. One of the leaders of “Lelo”, Ana Natsvlishvili, called it a “dangerous idiocy against the State”.⁶¹ According to Giga Bokeria, chairman of European Georgia, the prime minister’s statement was legal nonsense and a “desperate” attempt to retain power.⁶² Khatia Dekanoidze, the leader of the United National Movement, made a similar statement and described Gharibashvili’s words as a restriction on the right to life.⁶³ In response, the Prime Minister noted that what he said had been misinterpreted as he implied that the definition of hunger was defined by law.⁶⁴

Mikheil Saakashvili’s lawyers and personal doctor demanded that he be transferred to a civilian multidisciplinary hospital.⁶⁵ Irakli Gharibashvili stated that the former president was not a privileged person and thus he would be treated in a prison hospital if necessary.⁶⁶ A multifunctional group of doctors was set up to analyse Saakashvili’s health,⁶⁷ according to whose conclusion report of October 13, the former president’s treatment should have continued in a multidisciplinary clinic, where magnetic resonance imaging, computed tomography and duplex scanning could be done.⁶⁸ The Office of the Public Defender, having checked the readiness of the medical institution in Gldani Prison No. 18 stated that it would be impossible to carry out the procedures recommended by the multifunctional group of doctors there.⁶⁹ In addition, according to the Public Defender’s Office, the placement of the prisoner in the building that was adjacent to the No. 8 penitentiary institution contained security risks.⁷⁰

The authorities have called for Mikheil Saakashvili to be taken to a civilian hospital by the European People’s Party and a group of European conservatives and reformers.⁷¹ They expressed concern over the current situation and noted that in the event of a deterioration of the health of the former president, the responsibility would fall on the ruling party.⁷²

19 non-governmental organizations, including GYLA, issued a joint statement on the need to hospitalize Mikhail Saakashvili.⁷³ The organizations called on the authorities to be guided not by political expediency but by “a high

⁶¹ “Ana Natsvlishvili - Gharibashvili’s statement is a dangerous stupidity, the prime minister, who is trying to adapt to the role of the defender of religion, has directly encouraged and called for suicide”, information portal “Interpressnews”, October 29, 2021, available at: <https://www.interpressnews.ge/ka/article/680969>, updated: 15.11.2021.

⁶² “Giga Bokeria - “When the prime minister speaks like this about a political opponent, it is a demonstration that this government is a threat not only to Saakashvili or any other opposition party, but to everyone”, information portal “Interpressnews”, October 29, 2021, available at: <https://www.interpressnews.ge/ka/article/680972>, updated: 15.11.2021.

⁶³ “According to Khatia Dekanoidze, Irakli Gharibashvili made an absurd, shameful and horrible statement”, information portal “Interpressnews”, October 29, 2021, available: <https://www.interpressnews.ge/ka/article/681053>, updated: 15.11.2021.

⁶⁴ “Irakli Garibashvili - The definition of hunger is defined by law and that is what I was talking about - what I said was misinterpreted”, information portal “Interpressnews”, October 29, 2021, available at: <https://www.interpressnews.ge/ka/article/681119>, updated: 15.11.2021.

⁶⁵ “Lawyers demand transfer of Mikheil Saakashvili to a multi-profile civil clinic”, information portal “Formulanews”, October 24, 2021, available: <https://formulanews.ge/News/58821>, updated: 15.11.2021; “Irakli Gharbishvili - The definition of hunger is defined by law and that is what I was talking about - what I said was misinterpreted”, information portal “Interpressnews”, October 29, 2021, available at: <https://www.interpressnews.ge/ka/article/680162>, updated: 15.11.2021.

⁶⁶ “According to Gharibashvili, it is impossible to take Saakashvili to a civilian hospital”, information portal “Formulanews”, October 24, 2021, available at: <https://formulanews.ge/News/58831>, updated: 15.11.2021.

⁶⁷ “Rati Bregadze - “In order to analyse Mikheil Saakashvili’s health condition, a group of doctors has been set up, whose involvement will depend on Saakashvili’s consent”, information portal “1tv.ge”, October 13, 2021, available at: <https://1tv.ge/news/rati-bregadze>, updated: 15.11.2021.

⁶⁸ “The issue of Saakashvili’s place of treatment is still a matter of controversy”, information portal “Civil.ge”, October 25, 2021, available at: <https://civil.ge/ka/archives/450011>, updated: 15.11.2021.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ “European People’s Party, Conservative reformers demand Saakashvili to be taken to civil hospital,” information portal “Civil.ge”, October 28, 2021, available at: <https://civil.ge/ka/archives/450663>, updated: 15.11.2021.

⁷² Ibid.

⁷³ The statement is signed by: Georgian Democratic Initiative (GDI); Governance Monitoring Center (GMC); Open Society Foundation (OSGF); Institute for Democracy and Safe Development (IDSD); Human Rights Center (HRC); International Society for Fair Elections and Democracy (ISFED); Transparency International - Georgia (TI); Partnership for Human Rights (PHR); Economic Policy Research Center (EPRC); Media Development Fund (MDF); Center for Research Journalism and Economic Analysis; Society and banks; Sapari; Institute for Tolerance and Diversity (TDI); Center “Empathy”; Georgian Young Lawyers’ Association (GYLA); Center for Social

standard of protection of the right to life, health and personal safety”.⁷⁴ The statement said that Gldani Prison Hospital No. 18 did not comply with the recommendations of the multifunctional team of doctors regarding the provision of medical care.⁷⁵ According to the organizations, the ruling party should have taken into account the recommendations of doctors and the Public Defender’s Office in the decision-making process and should have insured against all risks to the life or health of the prisoner.⁷⁶

II. PRE-ELECTION CAMPAIGN OF “UNITED NATIONAL MOVEMENT” AND “GEORGIAN DREAM”

On October 14, thousands of people gathered in the centre of Tbilisi to demand the release of Mikheil Saakashvili from prison.⁷⁷ Protesters from different regions also joined the protest, which was allegedly greeted by government officials armed with brooms on the way to some cities.⁷⁸ The rally ended with a speech by Nika Melia, chairman of the United National Movement, who emphasized Saakashvili’s “devotion” and noted that his actions “cracked the regime”.⁷⁹ Mikheil Saakashvili handed over a written address to the public to his lawyers, in which he said that the October 14 rally had further convinced him of the opposition’s success in the elections.⁸⁰ According to the former president, the issue of his freedom depended on the daily organization of the population.⁸¹

On October 27, the Georgian Dream gathered tens of thousands of people from the regions for a rally in support of it in the centre of the capital.⁸² The ruling party decided to hold the rally after a large-scale protest rally organised by the United National Movement.⁸³ Party leaders spent most of their time at the Georgian Dream rally talking about the previous government.⁸⁴ The gathering started with the Georgian national anthem and ended in one hour.⁸⁵

Before the second round of elections on October 22-24, Prime Minister Irakli Gharibashvili visited several regions.⁸⁶ During the visit, he spoke about the possible dangers of tensions in the event of the victory of the

Justice (SJC); Institute for Development of Freedom of Information (IDFI); United Nations Association of Georgia (UNAG); Georgian Reform Association (GRASS); Rights Georgia; Atlantic Council of Georgia. See. “In case of Mikheil Saakashvili’s hospitalization, the government should fully take into account the recommendations of the multifunctional group of doctors and the Public Defender“, Website of the “Georgian Democratic Initiative” website, October 26, 2021, available at: <https://gdi.ge/ge/news/statement>, updated: 15.11.2021.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ “Large-scale rally is being held in Tbilisi demanding the release of Mikheil Saakashvili”, information portal “Civil.ge”, October 14, 2021, available: <https://civil.ge/ka/archives/447962>, updated: 15.11.2021.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ “Mikheil Saakashvili - yesterday assured me that we will win the elections and I will be free - we need daily rallies, I also appeal to the emigrants, come by the end of the month for at least a week”, information portal “Interpressnews”, October 15, 2021, available at: <https://www.interpressnews.ge/ka/article/678972>, updated: 15.11.2021.

⁸¹ Ibid.

⁸² “Exchange of Roles in the Mirror of 2012-2021”, information portal “Radio Tavisupleba”, October 27, 2021, available at: <https://www.radiotavisupleba.ge/a/31532490.html>, updated: 15.11.2021.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ “Georgian Dream rally ended in one hour”, information portal “On.ge”, October 27, 2021, available at: <https://on.ge/story/92250>, updated: 19.10.2021.

⁸⁶ Within the framework of the visit, Prime Minister Gharibashvili and Irakli Kobakhidze, Chairman of the Georgian Dream, visited all 20 municipalities where the second rounds of the October 30 elections were scheduled. These are: Tbilisi, Batumi, Kutaisi, Rustavi, Poti, Telavi, Tianeti, Kareli, Khashuri, Tsageri, Baghdati, Tskaltubo, Ozurgeti, Senaki, Martvili, Khobi, Zugdidi, Tsalenjikha, Chkhorotsku, Khelvachauri. See. “The Prime Minister is visiting Samegrelo before the elections and is attacking the opposition”, information portal “Civil.ge”, October 22, 2021, available at: <https://civil.ge/ka/archives/449656>, updated: 15.11.2021; “Prime Minister speaks of the dangers of tension in case of victory of the opposition candidates”, information portal “Civil.ge”, October 26, 2021, available at: <https://civil.ge/ka/archives/450146>, updated: 15.11.2021.

opposition candidates.⁸⁷ In his speeches, the Prime Minister stressed that the victory of the opposition would be a “barrier” for the ruling party in many municipalities and “less motivation” for the implementation of projects.⁸⁸

III. SHADOW CABINET OF NIKA MELIA

On October 20, the chairman of the United National Movement and the mayoral candidate of the capital, Nika Melia, presented to the public the candidates for the coalition government of the capital, the leadership of the municipal services and the district administration of Tbilisi.⁸⁹ Among the nominees were members of Lelo, Girchi – More Freedom, Droa, European Georgia and United Georgia - Democratic Movement.⁹⁰

Kakha Kaladze, the Georgian Dream’s mayoral candidate, called Nika Melia’s opposition cabinet a “political bluff” and said that most of them were former members of the United National Movement.⁹¹

IV. PROTEST RALLIES ABOUT THE RESULTS OF LOCAL SELF-GOVERNMENT ELECTIONS

On October 31, the day after the second round of local self-government elections, a rally organized by opposition parties was held in front of the parliament building on Rustaveli Avenue.⁹² Protesters disputed the election results and accused the government of rigging it.⁹³ Opposition members addressed the protest. Elene Khoshtaria, the leader of the Droa party, stated that the opposition would not tolerate injustice and that they would soon introduce a common plan to the population.⁹⁴ Nika Melia, the chairman of the United National Movement, announced peaceful activities in different cities and noted that another large-scale rally would be held in the centre of the capital on November 7.⁹⁵

V. ASSESSMENTS OF LOCAL SELF-GOVERNMENT ELECTIONS

On October 1, President Salome Zurbishvili blamed both the government and the opposition for escalating tensions and disturbance ahead of the election.⁹⁶ According to her, the latter did not think about fair elections because it was speculating on Saakashvili’s arrival.⁹⁷ In addition, comments on this issue should have been made by state bodies instead of the Georgian Dream.⁹⁸

⁸⁷ “The Prime Minister speaks of the dangers of tension in case the opposition candidates win”, information portal “Civil.ge”, October 26, 2021, available at: <https://civil.ge/ka/archives/450146>, updated: 15.11.2021.

⁸⁸ Ibid.

⁸⁹ “Nika Melia presented the shadow cabinet of the government of the capital”, information portal “Civil.ge”, October 20, 2021, available at: <https://civil.ge/ka/archives/449242>, updated: 15.11.2021.

⁹⁰ Ibid.

⁹¹ “Kakha Kaladze - “Nika Melia’s shadow cabinet is a political bluff”, information portal “1tv.ge”, October 28, 2021, available at: <https://1tv.ge/news/kakha-kaladze>, updated: 15.11.2021.

⁹² “Rally organized by opposition parties started in front of the Parliament building”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681473>, updated: 15.11.2021.

⁹³ Ibid.

⁹⁴ “Elene Khoshtaria - “We will not tolerate injustice towards us, no one should think that we will live by the ballots written by Ivanishvili”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681477>, updated: 15.11.2021.

⁹⁵ “Opposition will hold a protest rally on Freedom Square on November 7”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681479>, updated: 15.11.2021.

⁹⁶ “Salome Zurbishvili talks about the importance of preventing disturbances”, information portal “Civil.ge”, October 1, 2021, available at: <https://civil.ge/ka/archives/444845>, updated: 15.11.2021.

⁹⁷ Ibid.

⁹⁸ Ibid.

Democrat Chairman of the Senate Subcommittee of Europe and Regional Security Jeanne Shaheen and Republican Member Senator Ron Johnson called on political parties to hold fair and free elections in a peaceful environment.⁹⁹ They noted that there were reports of government intimidation of candidates.¹⁰⁰ The senators expressed bipartisan support for the Georgian people, saying that if the country failed to hold fair and democratic elections, it would not see the progress that would bring it closer to the West.¹⁰¹

After summarizing the results of the first round of local self-government elections, it became known that the second round of mayoral elections will be held on October 30 in 5 self-governing cities: Tbilisi, Batumi, Kutaisi, Rustavi and Poti, as well as 15 different municipalities.¹⁰² In addition, the second round will be held for 42 majoritarian mandates in self-governing cities and municipalities.¹⁰³

The OSCE/ODIHR estimates that the first and second rounds of elections were generally well-administered, although continued polarization and the escalation of negative rhetoric negatively affected the process.¹⁰⁴ The US Embassy agreed with the statement of the organisation and additionally noted that the process was characterised by “widespread intimidation and repeated complaints, vote-buying, and pressure on candidates and voters”¹⁰⁵ and other illegal activities.¹⁰⁶

After the first round of elections, the European People’s Party expressed concern about the decline in democratic standards.¹⁰⁷ According to the party, there were unequal playing conditions and the use of administrative resources and hate speech.¹⁰⁸ The statement also said that the “political persecution” of the former president was further deepening the polarization.¹⁰⁹ U.S. Senator Jim Risch expressed frustration with the October 2 election, saying it was dramatically different from the 2012 parliamentary election.¹¹⁰ According to his opinion, the authorities should have taken into account the OSCE/ODIHR assessment of violence during the election period and the unequal positioning of the opposition.¹¹¹ After the first round, the EU Delegation to Georgia also called on the authorities to implement the OSCE/ODIHR recommendations.¹¹² The EU stressed the importance of electoral reform and called on political parties to eliminate unscrupulous practices in the electoral process.¹¹³ The three MEPs¹¹⁴ issued similar

⁹⁹ “Jeanne Shaheen - We must see that whoever wins the election in Georgia, the winner will take power in such a way that he will not act against opponents”, information portal “Interpressnews”, October 1, 2021, available at: <https://www.interpressnews.ge/ka/article/676627>, updated: 15.11.2021.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² “The CEC Summarized the Results of the October 2 Elections”, information portal “Civil.ge”, October 17, 2021, available at: <https://civil.ge/ka/archives/448354>, updated: 15.11.2021.

¹⁰³ Ibid.

¹⁰⁴ Georgia - Municipal Elections, October 2, 2021, Report on Preliminary Findings and Conclusions, Website of OSCE, October 3, 2021, available at: https://www.osce.org/files/f/documents/d/9/499477_2.pdf, updated: 15.11.2021; Georgia - Municipal Elections, Second Round October 30, 2021, Report on Preliminary Findings and Conclusions, Website of OSCE, October 30, 2021, available at: https://www.osce.org/files/f/documents/f/f/502719_0.pdf, updated: 15.11.2021.

¹⁰⁵ US Embassy Statement on the 2021 Municipal Elections, US Embassy Website, October 4, 2021, available at: <https://ge.usembassy.gov/ka/u-s-embassy-statement-on-2021>, updated: 15.11.2021.

¹⁰⁶ Ibid.

¹⁰⁷ “Recent elections in Georgia have raised our concerns over the state of democracy and freedom in the country”, European People’s Party’s website, October 6, 2021, available at: <https://www.epp.eu/news/recent-elections-in-georgia>, updated: 15.11.2021.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ “Risch on Recent Elections in Georgia”, United States Senate Committee on Foreign Relations’ website, October 4, 2021, available at: <https://www.foreign.senate.gov/RvojGSTwM>, updated: 15.11.2021.

¹¹¹ Ibid.

¹¹² “EU Delegation to Georgia, in coordination with EU Embassies accredited in Georgia, posts a comment after the first round of local elections on October 3, 2021”, EU Delegation to Georgia, website, October 3, 2021, available at: <https://eeas.europa.eu/delegations/georgia/105036/>, updated: 15.11.2021.

¹¹³ EU on October 2 Self-Government Elections, information portal “Civil.ge”, October 4, 2021, available at: <https://civil.ge/ka/archives/445868>, updated: 15.11.2021.

¹¹⁴ Marina Kaljurand, Sven Mikser, Viola von Cramon-Taubadel. See. “Joint statement by: the Chair of the Delegation for relations with the South Caucasus, MEP Marina KALJURAND, the European Parliament’s Standing Rapporteur on Georgia, MEP Sven MIKSER, and the European Parliament’s lead Member for democracy support activities in Georgia, MEP Viola von CRAMON-TAUBADEL, on

messages in a joint statement.¹¹⁵ They said that although Election Day was well-administered, the pre-election period was marked by polarization, media violence, and verbal and physical abuse.¹¹⁶ They also emphasised that the Georgian Dream received 46.6% of the vote, which was above the 43% threshold required for calling early elections in the April 19 agreement.¹¹⁷

The Congress of the Council of Europe, which observed the October 2 elections, indicated that the 2021 elections were a missed opportunity for local democracy.¹¹⁸ According to Congress, unequal playing conditions, voter pressure, and vote-buying remained significant challenges.¹¹⁹ A similar statement was made by the European Network of Election Monitoring Organizations (ENEMO). According to ENEMO, the use of administrative resources by the Georgian Dream has put the opposition in the arena on an unequal level compared to the ruling party.¹²⁰ In addition, according to the representatives of the organization, the pre-election environment was characterized by high polarization.¹²¹

The Head of the OSCE/ODIHR mission, Albert Johnson, noted that the misuse of public office and administrative resources in the second round of elections had a significant impact on the electoral environment, campaigning and political discourse.¹²² In connection with the second round of local self-government, the German Ambassador to Georgia, Hubert Knirsch, noted that the adoption of the election results was a fundamental democratic obligation.¹²³ In addition, in his view, the elections were generally well-organized, although there were isolated incidents of voter pressure and violence.¹²⁴ The EU Delegation stated that despite clear assessments by international observers in the second round, no substantial steps had been taken to address the key shortcomings.¹²⁵ The statement also responded to the Prime Minister's remark that the government would not cooperate with the councils if there was an opposition majority there.¹²⁶ In this regard, the EU indicated that this was a matter of concern, as it aimed to limit pluralism and restrict the will of the electorate.¹²⁷

the first round of the local elections in Georgia”, European Parliament, October 5, 2021, available at: <https://www.europarl.europa.eu/cmsdata>, updated 15.11.2021.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ “Vote on 2 October was a missed opportunity for local democracy in Georgia, says Head of Congress delegation”, The Council of Europe Office in Georgia, October 4, 2021, available at: <https://www.coe.int/ka/web/tbilisi/-/vote-on-2-october>, updated: 15.11.2021.

¹¹⁹ Ibid.

¹²⁰ “ENEMO Representative - Officials took part in the ruling party’s campaign, which put the ruling party at a disadvantage and blurred the line between the state and the party”, information portal “Interpressnews”, October 4, 2021, available at: <https://www.interpressnews.ge/ka/article/677257>, updated: 15.11.2021.

¹²¹ Ibid.

¹²² “Albert Johnson - our observer at the Georgian Dream rally was told that there were public servants who were encouraged and had received instructions from the seniors to go to the meeting”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681456>, updated: 15.11.2021.

¹²³ “German Ambassador - It is a fundamental democratic duty to get the election results and to continue working within the democratic process”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681446>, updated: 15.11.2021.

¹²⁴ “German Ambassador - “Election Day itself was well administered, but there were specific incidents, pressure on voters,” news portal Interpressnews, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681449>, updated: 15.11.2021.

¹²⁵ “Embassy of the European Union - “No steps have been taken to address the shortcomings. On the contrary, new shortcomings have emerged, particularly in the misuse of administrative resources and violent rhetoric, which has exacerbated polarization”, information portal “Interpressnews”, October 31, 2021, available at: <https://www.interpressnews.ge/ka/article/681486>, updated: 15.11.2021.

¹²⁶ Ibid.

¹²⁷ Ibid.

VI. 3RD INTERIM REPORT OF GYLA 2021 LOCAL SELF-GOVERNMENT ELECTION OBSERVATION MISSION AND EVALUATION OF THE ELECTION PERIOD

On October 28, GYLA released the 3rd Interim Report of the Long-Term Local Election Observation Mission.¹²⁸ It covered the period from September 25 to October 24.¹²⁹

According to the report, during the pre-election period of the first round, there were facts allegedly directed against voter bribery and citizens' expression of will.¹³⁰ The organization discovered that cases of politically motivated violence and physical abuse remained a problem, both before and after October 2.¹³¹

In the run-up to the second round of elections, GYLA identified two cases of obstruction of pre-election campaigns for parties.¹³² In addition, according to the report, there were frequent cases of damage to the agitation material of both the ruling party and the opposition.¹³³

According to GYLA, both the first and second rounds were tense.¹³⁴ Politically motivated acts of violence against both the ruling party and the opposition were frequent.¹³⁵ According to the organization, it is important that the relevant investigative bodies immediately start the process of investigating similar facts and prevent future violations.

GYLA continues to monitor the processes of the 2021 local elections.

VII. OSCE/ODIHR CONCLUSIONS ON THE OCTOBER 2021 LOCAL SELF-GOVERNMENT ELECTIONS

The OSCE/ODIHR has issued two conclusions on the local elections.

According to the preliminary report on the October 2 elections, despite the well-organized process, it was protracted and set against a backdrop of political crisis and polarization.¹³⁶ According to the report, voter and candidate intimidation, vote-buying, physical or verbal violence were frequent during the election campaign.¹³⁷ In addition, the apparent difference between election funding and resources contributed to the parties being placed in unequal competition conditions.¹³⁸

The organization also assessed the election environment. In conclusion, the campaign was conducted in a limited but competitive environment.¹³⁹ Nevertheless, with the approach of Election Day, cases of physical and verbal violence against individuals have increased.¹⁴⁰ The report negatively assessed the oversupply of local problems

¹²⁸ “GYLA has prepared the 3rd interim report of the long-term observation mission of the 2021 local self-government elections”, the website of the Georgian Young Lawyers' Association, October 28, 2021, available at: <https://gyla.ge/ge/post/saiam-2021>, updated: 15.11.2021.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ “GYLA - Both the last week of the first round and the period of the second round, which lasted until October 24, were tense - there were violent acts, which were probably conditioned by political motives”, information portal “Interpressnews”, October 28, 2021, available at: <https://www.interpressnews.ge/ka/article/680809>, updated: 15.11.2021.

¹³⁵ Ibid.

¹³⁶ Georgia - Municipal Elections, October 2, 2021, Report on Preliminary Findings and Conclusions, OSCE Website.

¹³⁷ Ibid, pp. 4, 14, 19.

¹³⁸ Ibid, pp. 3-4, 20.

¹³⁹ Ibid, p. 15.

¹⁴⁰ Ibid, p. 16.

by an excessive political discussion on national issues.¹⁴¹

According to the report, the ruling party launched and announced several social and economic projects after the election date was set, which is prohibited by law.¹⁴² However, according to the party, the implementation of these projects had already started before the date was set.¹⁴³ According to the OSCE/ODIHR, this was contrary to the spirit of the law banning the use of administrative resources during the election campaign.¹⁴⁴ In addition, this case has put the ruling party in an advantageous position in the eyes of the electorate.¹⁴⁵

The organization also discussed the media environment in detail during the election period.¹⁴⁶ In his view, it was overly polarized, reflecting the split between the ruling party and the opposition.¹⁴⁷ However, in the pre-election period, media coverage of political entities was selective and mainly focused on three parties: “Georgian Dream”, “United National Movement” and “Gakharia - for Georgia”.¹⁴⁸

The OSCE / ODIHR has also issued preliminary findings on the October 30 elections.¹⁴⁹ The report again assessed the administration of the process positively, however, noting that continuous polarization and negative rhetoric had a negative impact on the process.¹⁵⁰ Like in the first round, allegations of voter intimidation and pressure persisted in the second round.¹⁵¹ The advantage of being in power over the opposition also remained a problem.¹⁵² The media environment was still polarized as many TV stations showed biased attitudes towards the opposition or the ruling party.¹⁵³

According to the report, Mikheil Saakashvili’s return to Georgia and his arrest had a significant impact on political discourse and deepened the polarization between the parties.¹⁵⁴

The organization criticized the random compulsory recount procedures envisaged by the electoral reform.¹⁵⁵ In his opinion, there were no specific regulations on the process, which led to inconsistent practices between the districts.¹⁵⁶ For example, some District Election Commission counted only void ballots, signatures, or votes cast by a candidate, while other constituencies counted the number of additional ballots used.¹⁵⁷

The OSCE/ODIHR assessed the practice of election disputes positively and pointed out that the complaints had been considered in open hearings within the given timeframe, at which time the applicant had the opportunity to defend his position.¹⁵⁸

In conclusion, the election campaign was characterized by aggravated negative rhetoric and attacks.¹⁵⁹ The two major parties, the Georgian Dream and the National Movement, have maintained an excessive focus on the national issue and a negative campaign against each other.¹⁶⁰ The report negatively assessed the government’s statement that the municipality in which the opposition would win would lack support from the central government.¹⁶¹

¹⁴¹ Ibid, p. 1.

¹⁴² Ibid, p. 17.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid, p. 22.

¹⁴⁷ Ibid, p. 22.

¹⁴⁸ Ibid, p. 24.

¹⁴⁹ Georgia - Municipal Elections, Second Round October 30, 2021, Report on Preliminary Findings and Conclusions, OSCE Website.

¹⁵⁰ Ibid.

¹⁵¹ Ibid, p. 3.

¹⁵² Ibid, p. 3.

¹⁵³ Ibid.

¹⁵⁴ Ibid, p. 5.

¹⁵⁵ Ibid, pp. 6-7.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid, pp. 9-10.

¹⁵⁹ Ibid, p. 13.

¹⁶⁰ Ibid, pp. 13-14.

¹⁶¹ Ibid, p. 14.

According to the OSCE/ODIHR, although gatherings within a 100-meter radius of the polling station were banned, in 29% of the polling stations visited, intimidating groups of individuals were observed in the vicinity of the polling stations.¹⁶² In some polling stations, voter registration was also carried out.¹⁶³ In addition, the media reported on the physical and verbal confrontation between the supporters of the two main parties.¹⁶⁴

VIII. ENEMO'S STATEMENT ON PRELIMINARY FINDINGS AND CONCLUSIONS OF THE 2021 ELECTIONS

On October 4, ENEMO released a statement of preliminary findings and conclusions regarding the 2021 local elections.¹⁶⁵ According to the statement, the elections were held in accordance with the law.¹⁶⁶ However, the election campaign was marked by polarization and the main focus of the parties was on discussing common national political issues, which hindered the discussion of local issues.¹⁶⁷

The facts of intimidation and pressure on voters during the pre-election period were significant,¹⁶⁸ and similar cases were reported against political entities.¹⁶⁹

According to the organization, the election environment was largely calm.¹⁷⁰ Nevertheless, party activities were frequent in various locations, especially in the villages, which may have affected the will of the voters.¹⁷¹

The ENEMO statement also assesses the media environment. According to the report, despite the pluralistic environment in Georgia, the media was polarized and vulnerable to political interests.¹⁷² As threats and pressure against the media were frequent, according to ENEMO, the parties failed to conduct a positive political election campaign.¹⁷³ In addition, media outlets did little in-depth media reporting and analysis, leaving no room for quality political debate.¹⁷⁴

Election Day was generally assessed positively by the organization. In its view, legislation and procedures were followed.¹⁷⁵ However, there were several cases of violation of secrecy due to the location of voting booths, being near PEC members or being photographed by voters on ballot papers.¹⁷⁶ In addition, several attempts to vote were identified.¹⁷⁷

The ENEMO statement also addresses important issues such as gender representation, campaign finance, election registration, election administration and more.

¹⁶² Ibid, p. 20.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ October 2, 2021, Local Self-Government Elections, Georgia, Statement on Preliminary Findings and Conclusions, European Network of Election Monitoring Organizations (ENEMO), October 4, 2021, available: http://enemo.eu/uploads/file-manager/-__2021.pdf, updated: 15.11.2021.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid, p. 1.

¹⁶⁹ Ibid, p. 20.

¹⁷⁰ Ibid, p. 5.

¹⁷¹ Ibid.

¹⁷² Ibid, p. 23.

¹⁷³ Ibid, p. 24.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid, p. 31.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

IX. INTERNATIONAL REPUBLICAN INSTITUTE (IRI) REPORT ON THE 2021 LOCAL GOVERNMENT ELECTIONS

On October 28, the IRI released a report on the October 2 election and the pre-election period. The report covers important issues such as election administration, campaign finance, media, electoral reforms, electoral environment and more.

According to the organization, cases of violence, intimidation, pressure on voters and candidates, misuse of administrative resources were revealed during the pre-election campaign.¹⁷⁸ According to the report, party activists and coordinators also used pressure and intimidation on election day against members of the media.¹⁷⁹

According to the organization, the election day was held in a mostly calm environment in compliance with the law.¹⁸⁰ However, the practice of sector election commissions was inconsistent across the country.¹⁸¹ According to the conclusion, some commissions did not have sufficient knowledge and competence regarding election day procedures.¹⁸²

As for the election disputes, the report positively assessed the election changes made in this regard. In particular, according to the organization, the mechanism of a mandatory recount of 10% of precincts has increased the degree of impartiality of election commissions.¹⁸³ Unlike the 2020 parliamentary elections, only a small number of complaints filed with district election commissions were deemed inadmissible due to procedural shortcomings.¹⁸⁴

The IRI also assessed Mikheil Saakashvili's return to Georgia. According to the report, the arrival of the former president led to the marginalization of small opposition parties and increased the polarization between the United National Movement and the Georgian Dream.¹⁸⁵

X. EVALUATION OF 2021 LOCAL SELF-GOVERNMENT ELECTIONS BY NON-GOVERNMENTAL ORGANIZATIONS

The first-round of 2021 local elections

A joint summary of the first round of the 2021 elections was published by Transparency International Georgia, the International Society for Fair Elections and Democracy, and the Georgian Charter of Journalistic Ethics.¹⁸⁶

The organizations discussed issues such as the election campaign, the election administration, the interagency commission, the State Audit Office and election campaign financing, the use of social media for electoral purposes, and the media environment.¹⁸⁷

According to the report, the pre-election environment was more or less competitive, although the ruling party enjoyed an advantage due to the mobilization of administrative resources.¹⁸⁸ In addition, during this period, facts of political pressure, threats, as well as forced dismissal or resignation and cases of ineffective investigations by

¹⁷⁸ Election Report of the IRI Technical Election Assessment Mission to Georgia, International Republican Institute, 28 October 2021, p. 10, available at: https://www.iri.org/report_georgia_2021.pdf, updated: 15.11.2021.

¹⁷⁹ Ibid, p. 12.

¹⁸⁰ Ibid, p. 13.

¹⁸¹ Ibid, p. 17.

¹⁸² Ibid.

¹⁸³ Ibid, p. 18.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid, p. 10.

¹⁸⁶ "Joint Assessment of the Pre-Election Environment of the Municipal Elections of Georgia in 2021", Website of Transparency International Georgia, October 1, 2021, available at: <https://transparency.ge/ge/post/sakar>, updated 15.11.2021.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

relevant state agencies were revealed.¹⁸⁹

According to the organizations, the line between the ruling party and the state was erased and a number of election-motivated socio-economic programs and projects were initiated by the ruling party.¹⁹⁰

In connection to Election Day, Multinational Georgia, like other non-governmental organizations, noted that it was mostly going in a peaceful environment.¹⁹¹

The second-round of 2021 local elections

Transparency International - Georgia has uncovered a number of irregularities in the second round of elections, such as physical confrontation outside polling stations, obstruction of journalistic activities and physical retaliation, obstructing the activities of observers, and voter registration at polling stations.¹⁹² In addition, according to the organization, the trend was in violations committed by observers from observer organizations.¹⁹³ These violations included the simultaneous presence of several observers from the same organization at the same polling station, attempts to distribute money at the polling station, and so on.¹⁹⁴ According to the assessment, the process of compiling the results summary protocols was frequent and in some polling stations, there was a dispute over the cancellation/invalidation of the ballot papers regarding the ballots where the will of the voters was clearly expressed.¹⁹⁵

According to the International Society for Fair Elections And Democracy (ISFED), the second round of elections was held in accordance with the rules established by law.¹⁹⁶ Nevertheless, there were frequent gatherings of persons at polling stations, alleged bribery, mobilization, and registration of voters, which may have affected the will of the electorate.¹⁹⁷ Violations of marking inspection/marking procedures were also common on polling day.¹⁹⁸ The organization did not find any shortcomings in the counting and tabulation process, although it did identify cases of frequent deliberate cancellation of ballot papers.¹⁹⁹

XI. MEETINGS OF THE INTERAGENCY COMMISSION

The Interagency Commission met 4 times during October (October 6, 13, 20, 27). GYLA did not attend these meetings, however, it remotely monitored the activities of the Commission.

The Commission presented an interim report, which includes information on the activities carried out during the 8 sessions.²⁰⁰ It addressed a total of 112 issues identified through media monitoring, 21 of which concerned the use of administrative resources, 9 alleged bribery, 6 possible violence, 29 alleged pressure/intimidation/harassment/

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ “According to Multinational Georgia, the elections in the 21 constituencies where the observation mission was carried out were held in a calm environment, with the exception of a number of precincts in the Marneuli constituency”, information portal “Interpressnews”, October 3, 2021, available at: <https://www.interpressnews.ge/ka/article/677213>, updated: 15.11.2021.

¹⁹² “Summary of the results of the observation of the second round of the 2021 municipal elections in Georgia”, website of Transparency International Georgia, October 31, 2021, available at: <https://transparency.ge/ge/post/sakartvelos>, updated 15.11.2021.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Election Day Summary Assessment, Website of International Society for Fair Elections and Democracy, October 31, 2021, available at: <https://www.isfed.ge/ge/presrelizebi/ubnis>, updated: 15.11.2021.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ The minutes of the 9th session of the Interagency Commission for Free and Fair Elections, available on the website of the Ministry of Justice of Georgia, available at: <https://bit.ly/2ZTIIPe>, updated: 08.11.2020.

threats, 19 alleged political dismissals, and 28 violations of various election laws.²⁰¹

Investigative agencies and the CEC provided statistics on relevant agencies.²⁰² On polling day, the Ministry of Internal Affairs launched an investigation into 16 cases throughout Georgia, 13 of which involved violence (controversies with precincts).²⁰³ In terms of administrative offences, most of the more than 200 cases identified were violations of the ban on gathering within 100 meters of a polling station, some of them violated the rule of prohibiting the placement of agitation material within 25 meters from the polling station, while the rest of the violations were within the competence of the CEC.²⁰⁴

The CEC also provided statistical information on polling day complaints.²⁰⁵ According to the CEC, a total of 1,832 complaints were filed on election day and in the post-election period (1233 for political parties, 599 for observer organizations). Of these, 951 complaints related to recount/revision (741 from political parties, 210 from observer organizations).²⁰⁶ In total, 97 of the complaints of the monitoring organizations were satisfied, 341 were not satisfied, 42 remained unreviewed, 2 were eliminated on the spot, 3 complaints were dismissed.²⁰⁷ In the case of complaints related to the summary protocols - 20 out of 210 were satisfied, 57 were partially satisfied, 114 were not satisfied, 18 complaints remained unresolved.²⁰⁸

As part of the recount, according to the CEC, the data were fully or partially recalculated in 811 out of 3664 precincts (except Covid precincts and other exceptional precincts).²⁰⁹ According to the CEC, all interested parties could observe the process.²¹⁰

The commission discussed some facts revealed as a result of media monitoring, which were observed during the pre-election period of the first and second rounds. From the cases before the first round, the commission considered: The facts of damaging the banners and posters of the opposition parties and the majority, distributing products to the population in Samegrelo and Kvemo Kartli, confiscating the IDs of the opposition in Zugdidi, and beating the majoritarian candidate of the Georgian Dream in Marneuli.²¹¹ As for the pre-election period of the second round, the commission registered the following cases:

- Violation of the rules of possible agitation by the Kutaisi mayoral candidate of the Georgian Dream;²¹²
- Damage to the car of the representative of the “National Movement” in the Isani District Election Commission;²¹³
- Possible intimidation of the majoritarian candidate for the party “Georgia”;²¹⁴
- Probable use of administrative resources by a candidate of the ruling party in Isani;²¹⁵
- Facts of possible obstruction of the participation of persons living in the occupied territories in the elections.²¹⁶

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Minutes of the 10th Session of the Interagency Commission for Free and Fair Elections, web-site of the Ministry of Justice of Georgia, available at: <https://bit.ly/3CRfoGo>, updated: 08.11.2020.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ The minutes of the 9th session of the Interagency Commission for Free and Fair Elections.

²¹² Ibid.

²¹³ The minutes of the 10th session of the Interagency Commission for Free and Fair Elections.

²¹⁴ Ibid.

²¹⁵ The minutes of the 11th session of the Interagency Commission for Free and Fair Elections, available on the website of the Ministry of Justice of Georgia, available at: <https://bit.ly/3EPyPQ8>, updated: 08.11.2020.

²¹⁶ The minutes of the 12th session of the Interagency Commission for Free and Fair Elections, the official website of the Ministry of Justice of Georgia, available at: <https://bit.ly/3FpDMiY>, updated: 15.11.2020.

The commission considered the fact of violation of the rules of agitation in the polling station by the Chairman of the Parliament of Georgia, on which GYLA filed a complaint.²¹⁷ According to the CEC representative, as a result of the proceedings, a violation of the norm of the Election Code was established and a report on an administrative violation was drawn up.²¹⁸ This case was sent to the Tbilisi City Court for further consideration. The court acquitted Kakha Kuchava of paying the fine and issued him only a verbal reprimand.²¹⁹ **GYLA negatively assesses the court decision and believes that such a loyal approach to the obvious violations committed by the Speaker of the Parliament has a negative impact on the prevention of electoral violations.**²²⁰

Separate government initiatives have also been put on the agenda, which may include criminal offences of voter bribery. These are: the initiative to write off government fines for businesses, to give large amounts of bonuses to the Tbilisi City Hall before the elections, and the initiative to increase the reserve fund of the Tbilisi City Hall by GEL 1 million.²²¹ In one of the aforementioned cases, the prosecutor's office failed to identify signs of a criminal offence (an increase of the reserve fund, awarding bonuses), while in another case, for example, no investigation was launched into the fines, but the prosecutor's office will investigate and determine whether there are signs of a criminal offence.²²²

The immense majority of the facts discussed at the commission meetings are included in the GYLA reports.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ The Facebook post of the Georgian Young Lawyers' Association, October 19, 2021, available at: <https://bit.ly/3wY6c0v>, updated: 15.11.2020.

²²¹ The minutes of the 11th session of the Interagency Commission for Free and Fair Elections.

²²² Ibid.