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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 #20, which describes the events of May that have had an impact on the political environment.

THE CASE OF NIKA MELIA

On May 8, the European Union posted bail in favour of Melia.¹ The bail in the amount of GEL 40,000 was allocated by the European Endowment for Democracy, and the money was handed over to the Government by GYLA.² On May 10, Tbilisi City Court has decided to release Nika Melia from custody.³ On the same day, Melia left the prison.⁴

Melia's release was welcomed by MEP Viola von Cramon. According to her, the release of Melia was an important step towards the implementation of the April 19 agreement, but now it was crucial to focus on other issues and cooperate with political parties in creating a transparent parliament.⁵ The chairman of the Lithuanian Foreign Affairs Committee, Jigimantas Pavilionis, welcomed the release of Nika Melia from custody.⁶ In his statement, he emphasised the contributions made by him, the EU and the US in this matter.⁷ Anna Fotyga, a member of the European Parliament, also responded to Nika Melia's case.⁸ She noted that the payment of bail was not the final solution to the issue and that MEPs were closely monitoring developments in Georgia.⁹ Jim Risch, a member of the U.S. Senate Foreign Relations Committee, praised Melia's release and hoped that parties that had not signed the Charles Michel's document would take the step and take their seats in parliament.¹⁰

UNITED NATIONAL MOVEMENT ENTERING THE PARLIAMENT

After the end of the political council of the United National Movement on May 30, the party decided to enter the parliament.¹¹ However, according to the chairman, Nika Melia, the party was not going to sign the Charles Michel document.¹² This decision of the United National Movement was motivated by the content of the amnesty clause,

¹ "Statement by the EU Delegation to Georgia on the payment of bail in favour of Mr. Melia", EU Delegation to Georgia, official website, 8 May 2021, available: <https://bit.ly/35eL6hk>, updated: 11.06.2021.

² Ibid.

³ "The court decided to release Nika Melia from custody", *Information portal „Interpressnews“*, May 10, 2021, available: <https://bit.ly/2TQvtu2>, updated: 11.06.2021.

⁴ "Nika Melia left prison", *Information portal „Interpressnews“*, May 10, 2021, available: <https://bit.ly/2TkLcBB>, updated: 11.06.2021.

⁵ Viola von Cramon, Twitter post, 10 May 2021, 5:42 PM, available: <https://bit.ly/3gkQg0k>, updated: 11.06.2021.

⁶ "Jigimantas Pavilionis - Finally Nika Melia is free - congratulations to everyone", *Information portal „Interpressnews“*, May 10, 2021, available: <https://bit.ly/3ve4Dcn>, updated: 11.06.2021.

⁷ Ibid.

⁸ "Anna Fotyga - the opposition that stays out of parliament is reducing Georgia's capabilities - the government must make it possible and the opposition must show the will to find a common language", *Information portal „Interpressnews“*, May 12, 2021, available: <https://bit.ly/3izYrcb>, updated: 11.06.2021.

⁹ Ibid.

¹⁰ "Jim Risch - Now that Mr Melia has been released, I expect those who have not yet signed the agreement to sign and take their seats in Parliament", *Information portal „Interpressnews“*, May 12, 2021, available: <https://bit.ly/3znm39A>, updated: 11.06.2021.

¹¹ "“United National Movement” enters the Parliament", *Information portal „Interpressnews“*, May 30, 2021, available: <https://bit.ly/2RJocvo>, updated: 11.06.2021.

¹² Ibid.

which the party categorically disagreed with.¹³ This was negatively assessed by the EU Delegation to Georgia and the US Embassy in a joint statement.¹⁴ According to the statement, by signing the agreement the party would „demonstrate its commitment to carry out these fundamental objectives in the interest of Georgia, its citizens, EU-Georgia relations and Georgia’s Euro-Atlantic future”.¹⁵

DRAFT AMNESTY LAW

On May 13, two bills drafted by the ruling team and the opposition on amnesty in the case of June 19-21, 2019 were submitted to the Parliamentary Bureau.¹⁶ The issue of adopting the draft law to the committees was decided at the Bureau meeting. The Legal Affairs Committee was appointed as the leading committee.¹⁷ On May 24, the committee discussions of the draft laws began.¹⁸ Both documents on amnesty were first considered by the Committee on Human Rights and then by the Committee on Legal Affairs.¹⁹ On May 27, both draft laws were discussed at the plenary session of the Parliament.²⁰ The Georgian Dream’s version won the support of 87 deputies, and as a result, it was adopted by the Parliament in the first hearing.²¹ As for the opposition’s option, voting on it was postponed at the request of the initiators.²²

On May 17, GYLA submitted comments to the Georgian Parliament on the amnesty bills initiated by the Georgian Dream and opposition MPs.²³ The document reviews a list of actions for which amnesty is prohibited under international law.²⁴ It also aims to facilitate the “harmonious implementation of the agreement reached between the political parties on April 19 in accordance with the Constitution of Georgia and international standards” in order to overcome the political crisis.²⁵

ELECTORAL REFORM

Meetings in Support of Electoral Reform organised by the International Republican Institute

The third meeting organised by the International Republican Institute (IRI) in support of electoral reform was held on May 8-11. Representatives of both the ruling and opposition political parties, as well as non-governmental organizations were invited to the third meeting of the election dialogue. The participants discussed issues related to election disputes, as well as recommendations prepared by the Venice Commission regarding the amendments

¹³ “UNM does not sign Charles Michel document”, *Information portal „Interpressnews”*, May 30, 2021, available: <https://bit.ly/3gq5X6A>, updated: 11.06.2021; “Khatia Dekanoidze explains why the “National Movement” does not sign the document of Charles Michel”, *Information portal „Interpressnews”*, May 30, 2021, available: <https://bit.ly/35cHQ68>, updated: 11.06.2021.

¹⁴ “US Embassy and EU Delegation - We are very sorry that the United National Movement did not seize the opportunity today to join other parliamentary parties and sign the agreement of April 19”, *Information portal „Interpressnews”*, May 30, 2021, available: <https://bit.ly/3pL2K63>, updated: 11.06.2021.

¹⁵ “Joint Statement by the EU Delegation to Georgia and the US Embassy on the Implementation of the Agreement Reached on April 19 through EU Mediation”, EU Delegation to Georgia, Official Website, May 30, 2021, available: <https://bit.ly/3gsyVTe>, updated: 11.06.2021.

¹⁶ “Two draft laws on amnesty elaborated by the ruling team and the opposition were submitted to the Parliamentary Bureau”, *Information portal „Interpressnews”*, May 13, 2021, available: <https://bit.ly/3zkHwQQ>, updated: 11.06.2021.

¹⁷ Ibid.

¹⁸ “In connection with the events of June 20, committee discussions on amnesty bill and alternative opposition draft laws start today”, *Information portal „Interpressnews”*, May 24, 2021, available: <https://bit.ly/3pHFW78>, updated: 11.06.2021.

¹⁹ Ibid.

²⁰ “Parliament Passes Amnesty Bill Prepared by Georgian Dream in First hearing”, *Information portal „Interpressnews”*, May 27, 2021, available: <https://bit.ly/2TQwd2i> updated: 11.06.2021.

²¹ Ibid.

²² Ibid.

²³ “GYLA submitted opinions on amnesty bills to the Parliament of Georgia”, the official website of the Georgian Young Lawyers’ Association, May 18, 2021, available: <https://bit.ly/3pNnFW6>, updated: 11.06.2021.

²⁴ Ibid.

²⁵ Ibid.

to the Electoral Code submitted in March. The meeting was moderated by IRI Director John Dipiro and Director of the International Society for Fair Elections and Democracy (ISFED) Nino Dolidze. The meetings were attended by the following non-governmental organizations: GYLA, ISFED, Transparency International - Georgia, Good Governance Institute and a Public Movement Multinational Georgia. Meetings from political parties were attended by: Citizens, United National Movement, European Georgia, Strategy Builder, Girchi, Girchi - More Freedom, Labour Party, Republican Party and Lelo for Georgia.²⁶ Regular meetings of the Election Dialogue were held on May 20-21, during which the participants discussed the reform of the election administration.

Meetings of the Working Group on Electoral Reform

On May 11, the Legal Affairs Committee requested a second extension of the deadline for consideration of the election draft law, and on May 13, by the decision of the Bureau, the term was extended from May 13 to 30 days.

On May 14-15, the Working Group on Electoral Reform held meetings.²⁷ Representatives of the parliamentary majority and the parliamentary opposition discussed several issues at the meetings, in particular, the selection of the Deputy Chairmen of the Central Election Commission and the staffing of the administration.²⁸ On May 17, the working group held its last concluding meeting.²⁹ It prepared a draft of approximate changes in the positions of the parliamentary majority and the opposition, which was later sent to the Venice Commission.³⁰

Discussion of the draft law on amendments to the Electoral Code in the Parliament

On May 21, parliament began deliberating on a draft law amending the Electoral Code.³¹ On May 21-22, the draft law was discussed at the joint meeting of the Committees on Human Rights and Civil Integration and Procedural Issues and Rules and the meeting of the Committee on Legal Affairs.³² Representatives of GYLA, ISFED, Public Movement Multinational Georgia, Georgian Trade Unions Confederation, Transparency International - Georgia, Georgian Dream and the parliamentary opposition attended the sessions. The committees supported the adoption of the legislative package at the plenary session.³³ On May 25, parliament unanimously supported amendments to the Electoral Code.³⁴ Adoption of the draft amendments to the election legislation is planned before the end of the spring session.³⁵

²⁶ “A meeting of the parties signing the Charles Michel document occurs in Kachreti”, *Information portal „Interpressnews”*, May 10, 2021, available: <https://bit.ly/2RPaRBY>, updated: 11.06.2021.

²⁷ “Working Group on Electoral Reform Held Another Meeting”, *Official Website of the Parliament of Georgia*, May 14, 2021, available: <https://bit.ly/2TqwmcQ>, updated: 11.06.2021; “Working meetings in the Parliament regarding the reform of the election legislation continue”, *Official Website of the Parliament of Georgia*, May 15, 2021, available: <https://bit.ly/3zkHSqE>, updated: 11.06.2021.

²⁸ “Working Group on Electoral Reform Held Another Meeting”, *Official Website of the Parliament of Georgia*.

²⁹ “Work on amendments to the election legislation in the format of a working group has been completed”, *Official Website of the Parliament of Georgia*, May 17, 2021, available: <https://bit.ly/35alLfc>, updated: 11.06.2021.

³⁰ Ibid; “The draft law on electoral changes has been sent to the Venice Commission - what should not be missed on May 21”, *Information portal „Radio Tavisupleba”*, May 21, 2021, available: <https://bit.ly/3cAxdy1>, updated: 11.06.2021.

³¹ “From today, the Parliament starts discussing the draft law on amendments to the Election Code”, *Information portal „Interpressnews”*, May 21, 2021, available: <https://bit.ly/3vk4qV4>, updated: 11.06.2021.

³² Amendments to the Election Code were discussed at the joint sitting of the Committees on Human Rights and Civil Integration and Procedural Issues and Rules”, *Official Website of the Parliament of Georgia*, May 21, 2021, available: <https://bit.ly/3vgIOsw>, updated: 11.06.2021; “Amendments to the Election Code were discussed at the sitting of the Committee on Legal Affairs”, *Official Website of the Parliament of Georgia*, May 22, 2021, available: <https://bit.ly/3geUnwf>, updated: 11.06.2021.

³³ Ibid.

³⁴ “Parliament unanimously supported the amendments to the Election Code of Georgia”, *Official Website of the Parliament of Georgia*, May 25, 2021, available: <https://bit.ly/3gqu1pR>, updated: 11.06.2021.

³⁵ “Work on amendments to the election legislation in the format of a working group has been completed”, *Official Website of the Parliament of Georgia*.

TEMPORARY INVESTIGATION COMMISSION

The three-month term of the Parliamentary Temporary Commission of Inquiry into the results of the October 31 elections expired on May 17, although it had not yet held a single session.³⁶ The parliamentary majority explained this by saying that they were waiting for the opposition to enter the parliament and start working with them.³⁷ The term of the Commission of Inquiry was extended for one month by the Parliament.³⁸

The first session of the Parliamentary Commission of Inquiry into the Results of the October 31 Elections was held on May 13, where Givi Mikanadze, a member of the parliamentary majority, was elected as a chairman and Davit Zilfimiani, a representative of the European Socialists, was appointed as a secretary.³⁹ At the meeting of May 18, the commission approved the action plan.⁴⁰ On May 20, the members of the commission met with the representatives of the diplomatic missions accredited in Georgia and the local organizations monitoring the elections.⁴¹ The work of the commission and the involvement of the organizations present in it were discussed at the meeting.⁴²

On May 31, a temporary commission of inquiry identified randomly selected polling stations.⁴³ The people responsible for counting ballots were selected on the same principle.⁴⁴ The completion of the ballot counting process was scheduled for the end of the week.⁴⁵

CREATING A NEW PARTY - “FOR GEORGIA”

On May 29, the former Prime Minister of Georgia, Giorgi Gakharia, founded the political movement „For Georgia”.⁴⁶ “For Georgia” will participate in the municipal elections in the fall of 2021.⁴⁷ As party member Shalva Kereselidze noted, they will nominate candidates in all municipalities of Georgia.⁴⁸

³⁶ „Parliamentary Temporary Commission of Inquiry into Election Results Expires 3-Month Term on May 17”, *Information portal „Interpressnews”*, May 5, 2021, available: <https://bit.ly/3vkmLBf>, updated: 11.06.2021.

³⁷ Ibid.

³⁸ “Members of the Commission of Inquiry into the Elections are meeting with representatives of the diplomatic corps and local organizations”, *Information portal „Interpressnews”*, May 20, 2021, available: <https://bit.ly/3xkmXSJ>, updated: 11.06.2021.

³⁹ “The Temporary Commission of Inquiry of the Parliament of Georgia, which is studying the October 31, 2020 parliamentary elections, discussed organizational issues at the first sitting”, *Official Website of the Parliament of Georgia*, May 13, 2021, available: <https://bit.ly/3xgzciY>, updated: 11.06.2021.

⁴⁰ “The Parliamentary Temporary Commission of Inquiry into the October 31, 2020 Parliamentary Elections has approved an action plan”, *Official Website of the Parliament of Georgia*, May 18, 2021, available: <https://bit.ly/3wg62kb>, updated: 11.06.2021.

⁴¹ “The Temporary Parliamentary Commission of Inquiry into the October 31, 2020 Parliamentary Elections held an informational meeting with the diplomatic corps and representatives of international organizations”, *Official Website of the Parliament of Georgia*, 20 May 2021, available: <https://bit.ly/2Tqxr4o>, updated: 11.06.2021.

⁴² “Members of the Commission of Inquiry into the Elections are meeting with representatives of the diplomatic corps and local organizations”, *information portal „Interpressnews”*, May 20, 2021, available: <https://bit.ly/3xkmXSJ>, updated: 11.06.2021.

⁴³ “Parliamentary Temporary Commission of Inquiry Reveals Polling Stations to be recounted”, *Official Website of the Parliament of Georgia*, May 31, 2021, available: <https://bit.ly/3pOmZQ3>, updated: 11.06.2021.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ “Giorgi Gakharia will hold a presentation of the party today”, *Information portal „Interpressnews”*, May 29, 2021, available: <https://bit.ly/3gh61a5>, updated: 11.06.2021.

⁴⁷ “Giorgi Gakharia’s party will run in the Tbilisi mayoral election”, *Informatino portal „Formula”*, May 28, 2021, available: <https://bit.ly/3zmbnYP>, updated: 11.06.2021.

⁴⁸ Ibid.