

REPORT

QUARTERLY
REPORT ON
THE POLITICAL
SITUATION
IN GEORGIA
AND RELATED
FOREIGN MALIGN
INFLUENCE

ISSUE 7



EUROPEAN VALUES

Protecting Freedom

2021



EUROPEAN VALUES CENTER FOR SECURITY POLICY

European Values Center for Security Policy is a non-governmental, non-partisan institute defending freedom and sovereignty. We protect liberal democracy, the rule of law, and the transatlantic alliance of the Czech Republic. We help defend Europe especially from the malign influences of Russia, China, and Islamic extremists.

We envision a free, safe, and prosperous Czechia within a vibrant Central Europe that is an integral part of the transatlantic community and is based on a firm alliance with the USA.

Author:

Miranda Betchvaia - intern, Eastern European Program of the EVC

Notice on Funding and Disclaimer:

This report has been produced under the two-year project implemented by the Prague-based European Values Center for Security Policy in Georgia. The project is supported by the Transition Promotion Program of The Czech Ministry of Foreign Affairs and the Emerging Donors Challenge Program of the USAID.

With support of:



CONTENTS

INTRODUCTION	4
EXECUTIVE SUMMARY	4
TIMELINE OF THE MAIN POLITICAL DEVELOPMENTS IN GEORGIA	5
LOCAL GOVERNMENT ELECTIONS AND POST-ELECTION DEVELOPMENTS	6
SETBACKS IN THE JUDICIARY AND THE RULE OF LAW, AGAIN	8
FORMER PRESIDENT MIKHEIL SAAKASHVILI SHAPING THE CURRENT POLITICAL AGENDA IN GEORGIA	10
CONCLUSION	12

INTRODUCTION

The following quarterly report (ISSUE 7) offers a brief summary of the Georgian political crisis and developments from October to December 2021. Since the local elections in October 2021, the crisis has deepened. The appointment of new judges to the Supreme Court and setbacks in the judiciary and the rule of law disappointed Georgia's Western partners. Furthermore, Mikheil Saakashvili, the former president of Georgia, and his return to the country further increased the existing political polarization in Georgia. Following up on the previous [quarterly report](#), this report presents the most recent events related to the ongoing political impasse in Georgia and highlights significant changes.

EXECUTIVE SUMMARY

- The latest developments in Georgia (October–December 2021) have deepened the existing polarization and political crisis in the country. The official results from Georgia's Central Election Commission for the 2021 municipal election runoffs revealed that the ruling Georgian Dream party's mayoral candidates won 19 municipalities, while the opposition United National Movement (UNM) won just one mayoral position. **Thousands of opposition supporters gathered in front of Georgia's national Parliament building to protest the local election results that handed the ruling party a near-total victory.**
- Maintaining the independence of the judiciary has been particularly challenging for Georgia in recent decades. The 30th Conference of Judges elected judge-members to the High Council of Justice, the body that oversees Georgia's judiciary, to four-year terms after previous members left before their terms were up. **The United States and the European Union have strongly decried the latest appointment of judges, claiming that such steps are a massive setback for Georgian democracy.** The Coalition for an Independent and Transparent Judiciary, a group of about 40 civil society organizations, criticized the conference and urged judges to postpone voting until the rules governing the council's composition are changed to allow judges to be elected "in a transparent and fair environment."
- Former Georgian president Mikhail Saakashvili was detained on October 1 after secretly returning to the country after years in exile. **Saakashvili was on a hunger strike for 50 days that significantly worsened his health. Amid controversy, the ex-president was transferred to the military hospital in Gori.** The decision to move him was made by the ruling party as a result of pressure from the Public Defender's Office, opposition parties, the European Court of Human Rights, and international partners and organizations.

TIMELINE OF THE MAIN POLITICAL DEVELOPMENTS IN GEORGIA

- October 14, 2021** ● Thousands of people [assembled](#) on Tbilisi's Freedom Square, demanding Saakashvili's release
- October 30, 2021** ● Local government elections and post-election developments
- November 2, 2021** ● Two judges elected to High Council of Justice amid criticism
- November 11, 2021** ● Another three judges [nominated](#) for the High Council of Justice
- November 19, 2021** ● Mikheil Saakashvili transferred to military hospital in Gori
- December 1, 2021** ● Despite international and civil society condemnation, the Parliament again [elected](#) four Supreme Court judges to lifetime terms

LOCAL GOVERNMENT ELECTIONS AND POST-ELECTION DEVELOPMENTS

As discussed in Quarterly Report 6, local government elections [were held](#) in Georgia on October 2, 2021. Voters elected 64 new executive mayors and 2,068 municipal council members (members of local assemblies), who will be in office for the next four years. Georgia's eighth local elections were notably different and far more important than previous ones for the following reasons. According to preliminary results made public on October 30, candidates from the ruling Georgia Dream party won 19 mayoral runoff elections, while United National Movement (UNM) candidates took only one. OSCE/Office for Democratic Institutions and Human Rights (ODIHR) and European Parliament election observers noted that "the second round of municipal elections was generally competently conducted," but "continued divisiveness coupled with an intensification of harsh language badly damaged the process."

Following the revelation of these results, UNM leader Nika Melia [urged](#) UNM supporters to protest the "rigged elections," emphasizing the importance of fighting the ruling party "in a very peaceful, but steadfast manner." Melia [promised](#) that the November 6 demonstration in Tbilisi would be "different from earlier gatherings in many ways," to attract more votes to protest than the 14 October 2021 rally had, which drew tens of thousands of people seeking the release of imprisoned former president Mikheil Saakashvili. He also stated that, in addition to protests, the opposition would file complaints and appeals in the courts. "Because we hold our strategic partners in high regard. . . **We'd want to persuade our [foreign] allies of the reality that exists in this country, that institutions and courts as such do not exist in Georgia,**" Melia said. MP Mamuka Khazaradze, leader of the Lelo party, also declared his decision to quit his parliamentary mandate during the November 7, 2021, gathering. From the streets, Khazaradze swore to "fight for free Georgia." The incarcerated ex-president Mikheil Saakashvili also [called](#) on the rallygoers to "take back power" from the Georgian Dream administration and "make them answer to the law," declaring the municipal elections to have been "taken from us in every significant city." He also asked opposition MPs to resign from the Parliament of Georgia.

On November 3, 2021, Georgia's State Security Service [cautioned](#) that recent calls for a revolution and the overthrow of the government expressed on social media and by media outlets were illegal and punishable by up to three years in jail. Without getting into specifics, the agency stated that it would employ all legal tools at its disposal to prevent a violent change of administration. "We once again urge disruptive forces to desist from illegal acts and to operate within the legal framework," the State Security Service stated.

In the meantime, despite the unprecedented divisiveness and the use of hate speech from both, the ruling party and opposition, President Salome Zurbishvili [commended](#) Georgians on the peaceful local self-government elections. "Elections were held freely, and dramatically better opposition results are directly connected to the free expression of [the] voters' will," Georgian president Salome Zurbishvili said. She also rebuffed the opposition's charges that "vote rigging" delayed the outcome of several close mayoral contests, remarking that such results are typical of "democratic elections."

The municipal elections came as the country has been [mired](#) in political turmoil since 2021, when Georgian Dream, founded by former prime minister and reclusive billionaire Bidzina Ivanishvili, won the parliamentary elections. Snap parliamentary elections were to be held in 2022 if Georgian Dream received less than 43 percent countrywide in local elections, according to an EU-brokered deal signed in April to ease the crippling political crisis between Georgian Dream and opposition parties.

Interestingly, after local elections runoffs, Kobakhidze [stated](#) that Georgian Dream was considering keeping the threshold for parliamentary elections at 5 percent, as it could be better for democratic developments. However, further discussions about constitutional change made it clear that the barrier would be lowered to

2 percent. **Kobakhidze added that the ruling party “has no obligation” to adopt any constitutional amendments.** Given that expected change was a part of the April 19 Agreement, which was revoked by the ruling party, who blamed the opposition for its failure, stating that most other essential conditions had been met. The election chaos has not yet been resolved, as thousands of people are still protesting the outcomes in the streets alongside opposition leaders and the ruling party has not shown any clear willingness to put an end to the deadlock.

SETBACKS IN THE JUDICIARY AND THE RULE OF LAW, AGAIN

In recent decades, [maintaining](#) the independence of the courts has been particularly difficult for Georgia. After two members of the High Council of Justice, the body that oversees Georgia's judiciary, resigned before their terms were up, the 30th Conference of Judges [elected](#) two judge-members to serve four-year terms on the council. The conference was held amid criticism from the Coalition for an Independent and Transparent Judiciary, a group of about 40 civil society organizations, which urged the judges to postpone voting until the rules governing the council's composition were changed to allow judges to be elected "in a transparent and fair environment." The coalition also questioned whether an "influential clique" of judges was attempting to "consolidate control" in the High Council of Justice while the public's attention was diverted away from the judiciary's problems and toward the "grave political crisis."

[According to EU ambassador Carl Hartzell, the recent nomination of two judge-members to the High Council of Justice was "the fifth setback in the field of the judiciary and rule of law in Georgia."](#) He emphasized that the appointments were "hasty, non-transparent, and non-competitive," and that they went against Georgia's pledges to improve the judiciary's independence, accountability, quality, and confidence, as outlined in the EU-Georgia Association Agreement. According to Hartzell, the appointments were made the day after local elections and just four days after the agenda of the judges' meeting was released. He noted that candidates were not announced ahead of time and that the positions became available because the previous occupants, two women, abruptly left before their tenure expired.

The EU ambassador's statement also [referred](#) to four previous setbacks to Georgia's judiciary: the Supreme Court appointments made on July 12, 2021, the failure to meet the necessary conditions to receive an additional 75 million EUR in EU macro-financial assistance by September 2021, backtracking on amending rules for appointing the prosecutor general, and "the lack—so far—of credible investigation and prosecution of the organizers of the 5 July 2021 violence targeting over 50 journalists and activists." **The European Union "called once more on the Georgian authorities to respect their reform pledges, particularly in the justice system,"** Hartzell said, adding that "these developments show yet again the urgent necessity to begin an ambitious judicial reform." **"While the European Union is fully committed to supporting Georgia's reforms per the EU-Georgia Association Agreement," his statement reads, "the EU's aid to Georgia remains conditional on progress on critical reforms."**

The US Embassy in Tbilisi also [blasted](#) the hasty nominations of two judge-members to the High Council of Justice as "neither competitive nor transparent" on November 2, 2021. "It is unfortunate that the Judiciary failed to demonstrate transparency and failed to elect its representatives through a competitive and democratic election process once again," the strongly worded message stated. "Many qualified, professional members of the judiciary who are shut out by such a closed system deserve better," continued the embassy's statement. "Judicial leaders maintain the judiciary is unfairly criticized for the lack of transparent and merit-based appointments, promotions, and transfers," the statement read, adding: **"Yet when the Conference of Judges rushes through important decisions without competition or transparency, it demonstrates an unwillingness to embrace reforms."** The US Embassy highlighted that the intention to fill the two seats left unfilled by pre-term resignations was announced with little warning. The absence of consultations or the involvement of a "wide spectrum of eligible candidates," as well as genuine engagement by civil society and other important stakeholders, was cited as a major flaw in the process. The United States has long attempted to increase the number of competent and devoted judges in Georgia while also advocating for reforms that would hold judges accountable for undermining the legal system's legitimacy. This involves lobbying for legislative changes to avoid corporatism and protect democratic, equality, and rule-of-law principles, according to the statement. The US Embassy concluded the message by saying that a responsible, professional, and transparent court is "essential for Georgia's chosen path of Euro-Atlantic integration."

In reaction to criticism over the recent appointment of two judges to the High Council of Justice, **the**

Administrative Committee of the Conference of Judges, the self-governing organization of Georgian common courts, has [lashed out](#) out at foreign ambassadors, among others.

The announcement came after the EU Embassy called the nominations a “fifth setback” for Georgia’s judiciary, while the US Embassy lambasted the process as “neither competitive nor transparent.” President Salome Zurbishvili described the election of the two members as “an unfathomable step in this shape and at this moment.” On November 4, 2021, over a dozen Georgian judges [spoke out](#) against the Administrative Committee of the Conference of Judges’ statement. The statement accused the EU and US embassies of interference in Georgia’s internal affairs.

Despite pledges to refrain from making fresh nominations under existing legislation as part of the EU-brokered April 19 Agreement with the opposition, on November 11, 2021, another three judges were [nominated](#) by the High Council of Justice to fill three vacancies on the Supreme Court of Georgia. The selections were made on November 12, 2021. The nominations came after a squabble over the Supreme Court appointment process in June, when the ruling Georgian Dream party stated it would go forward with the nominations despite agreeing in the EU-brokered April 19 Agreement with the opposition not to make any fresh picks under existing legislation. Georgian Dream then pushed through six of nine top court choices for lifetime tenure in July, drawing considerable condemnation from the United States and the European Union.

The US Embassy in Georgia once again voiced displeasure with the ongoing selection process for Supreme Court judges, which saw four candidates interviewed on November 25 and 26, 2021, for lifetime seats on the court. **The embassy [expressed](#) concern that the appointments were being made before Parliament had “finished an impartial examination of the previous waves of judicial reform,” as stipulated in the EU-brokered April 19 Agreement between the ruling Georgian Dream party and the opposition.** The statement also stated that judicial nominations were proceeding without the participation of non-judge-members of the Georgian judiciary’s oversight body, the High Council of Justice. There are presently five empty non-judge seats on the council, which is normally made up of nine judges and six non-judge-members.

Despite international and civil society condemnation, the Parliament again [elected](#) four Supreme Court judges to lifetime terms on December 1, 2021, continuing the top court nomination process. The sole candidates for the four empty seats were all from the ruling Georgian Dream party. There is still one vacancy in Georgia’s Supreme Court following these appointments. The voting process in Parliament was overshadowed by opposition protests, with some MPs walking out of the chamber.

The Coalition for an Independent and Transparent Judiciary, which includes approximately 40 civil society organizations, [blasted](#) the Georgian Parliament’s selection of four Supreme Court judges as “unjustified and destructive.” The Civil Society Organizations expressed concern that the present methods for selecting and appointing judges are “fundamentally flawed” and that the justices were selected by a “single-party vote, in the absence of a wide political agreement” by Parliament. The coalition chastised the Georgian Parliament for ignoring numerous calls from civil society, the Public Defender’s Office, and the international community to postpone the election of top court judges “until the processes are conducted fairly, [and] free of partisan or corporate interests.” The statement attacked the ruling party, claiming that its “lack of resolve” to make final judgments based on broad public and political consensus diminished civil society’s and opposition parties’ willingness to participate in candidate hearings.

FORMER PRESIDENT MIKHEIL SAAKASHVILI SHAPING THE CURRENT POLITICAL AGENDA IN GEORGIA

Former Georgian president Mikhail Saakashvili was [detained](#) on October 1, 2021, after covertly returning to the country after years in exile. He began a hunger strike on November 8, 2021, when he was taken against his will to a prison hospital in Gldani, Tbilisi. The ex-president was tried in absentia and convicted of two offenses. He is currently facing three more charges, including unlawful border crossing. Experts claim that Saakashvili's arrival influenced the polarizing outcomes of the first round of voting in the recent local elections.

Since Saakashvili was imprisoned, protests have erupted around the country demanding his release. Thousands of people [assembled](#) on Tbilisi's Freedom Square on October 14 to demand Saakashvili's release, in what is thought to be one of the greatest opposition gatherings since Georgian Dream took power in 2012.

Irakli Garibashvili, the prime minister of Georgia, when [asked](#) about Saakashvili's condition, responded that "the law states a person has the right to suicide." He later retracted his statement, claiming that he misspoke and meant to say "the right to hunger strike." He also added that "Saakashvili better behave, or we will bring additional articles [charges against him]," which has caused an uproar and suggests possible political motives for prosecuting the former president.

The Public Defender's Office has been actively observing the case and urging the government to provide Saakashvili with adequate medical care. The State Inspector's Service [emphasized](#) in a statement the right of inmates to timely and essential medical treatment, on par with treatments available to the general public, citing case law from the European Court of Human Rights. While this does not necessarily imply moving detainees to the finest medical facility outside of the prison, the statement warns that the "unjustified refusal" to transfer prisoners to a civil hospital when it is essential might violate Article 3 of the European Convention on Human Rights.

Despite the concerns of the public defender, doctors, the international community, and the general public, ex-president Mikheil Saakashvili was transported to the No. 18 prison hospital in Gldani, Tbilisi. **The Georgian media was [flooded](#) with footage of prisoners shouting insults at Saakashvili as he was being taken to the prison hospital.** The practice of hazing former officials in jail by arranging a vast and continuous stream of noise and abuse had a long history in detention institutions in the old Soviet Union, and it was employed to destroy the spirit of transferred convicts, especially criminal offenders. **The Georgian State Penitentiary Service [released](#) explicit footage of Mikheil Saakashvili being carried into the Gldani No. 18 prison hospital against his will by numerous men.**

The transfer of Mikheil Saakashvili to the prison hospital in Gldani and the absence of pertinent information from the Georgian side have been [described](#) as "disappointing" by Ukraine's Ministry of Foreign Affairs, which urged the Georgian authorities to "immediately move" Mikheil Saakashvili to a civilian hospital with "all the necessary capabilities to offer adequate medical treatment and emergency care" in a statement released on November 8, 2021. **In a phone [discussion](#) with Georgian prime minister Irakli Garibashvili, Ukrainian president Volodymyr Zelenskyy emphasized that the rights of imprisoned ex-president Mikheil Saakashvili, a Ukrainian citizen, "must be completely secured in line with international principles."**

Kelly Degnan, the US Ambassador to Georgia, has [asked](#) the Georgian government to provide Saakashvili with the "medical treatment that he needs in a well-equipped medical centre" as soon as possible. "In any country, the government has the obligation to protect detainees from mental abuse as well as to provide medical well-being and safety," she continued. Ambassador Degnan highlighted a report by the Public Defender's Office in her statements, claiming that the No. 18 prison hospital in Gldani is not adequately prepared to offer medical treatment to the hunger-striking ex-president. The ambassador also referenced Saakashvili's medical team's conclusion that the former president is a high-risk patient.

Several members of the European Parliament, Lithuanian MPs, and the former leaders of Latvia, Ukraine, and Sweden signed a joint [letter](#) that calls for Saakashvili's release. The letter was addressed to the European Council president, Charles Michel; European Commission president, Ursula von der Leyer; and European Parliament president, David Sassoli. **In response to the letter, the Georgian prime minister commented that "no one can obstruct the administration of justice, no matter how many MEPs come forward."** He also added, "It does not matter to us what any Member of the European Parliament says, what matters to us is what our people say," noting that Saakashvili's "many crimes" have been "proven by the Prosecutor's Office, the investigation, and the courts of all instances, we have a fully transparent process, we guarantee the rule of law."

Carl Hartzell, the EU Ambassador to Georgia, [said](#) that preserving ex-president Mikhail Saakashvili's "rights and proper legal procedure" is "crucial" and "under the full responsibility of the Georgian authorities." "These rights include the right to a fair trial in a transparent, fair, and due legal process, as well as the right to sufficient healthcare, privacy, and dignity while in jail," he said. He praised the European Union's "trusted local partners" for assisting in the monitoring of events, emphasizing the work of the Public Defender's Office.

Mikheil Saakashvili, after being on a hunger strike for 50 days, [agreed](#) to comply with the European Court of Human Rights' request to cease his hunger strike provided the authorities agree to transfer him to a civilian facility for rehabilitation. After the hunger-striking ex-president momentarily lost consciousness on November 18, 2021, justice minister Rati Bregadze [offered](#) him treatment at the Gori military hospital. Minister Bregadze stated that the military hospital is well-equipped to handle the former president, but that Saakashvili's agreement would be required for the transfer. However, he cautioned that if Saakashvili's supporters prevent the transfer, the ex-president would be sent to the Gldani prison clinic. Mikheil Saakashvili [accepted](#) the government's offer to be transported to the military hospital in Gori for his post-hunger-strike recuperation.

CONCLUSION

For this Black Sea–region state, guaranteeing a free and fair voting environment during the recent local elections proved difficult. Domestic and foreign observers have noted the country’s democratic backsliding. All the local elections’ reported flaws, such as the mismanagement of administrative resources, reported cases of hate speech, attacks on media representatives, insufficient investigations of irregularities by authorities, and the existence of an uneven playing field, show that the country’s constitutional institutions are incapable of functioning properly. As a result, the Georgian public’s faith in the elections plummeted. Official election reports observed that, despite the ruling Georgia Dream party’s abrogation of the EU-brokered agreement, significant components of it were included in election legislation. However, some issues related to electoral dispute resolution, among other things, must still be addressed.

The Georgian Parliament selected six Supreme Court judges for lifetime terms in November and December. The OSCE/ODIHR and the Council of Europe’s Venice Commission have both recommended that such appointments not be made before current flaws in the nomination process are remedied. These new appointments counter Georgia’s leaders’ promise to implement the comprehensive judicial reform established in the April 19 Agreement and reiterated on July 28, 2021 on the occasion of the ruling Georgian Dream’s withdrawal from the agreement. This includes correcting flaws in the Supreme Court nomination process before moving forward with selecting new judges. These acts have the potential to significantly erode judicial independence and public confidence in Georgia’s justice system. The European Union and the United States have reiterated their recommendations for a wide, inclusive, and cross-party reform approach to increase the independence, accountability, and quality of Georgia’s judicial system, including the High Council of Justice. While the European Union and the United States are fully committed to supporting Georgia’s reforms, their aid to Georgia is contingent on progress on critical reforms, particularly that of the judiciary.

In recent weeks, fears about Saakashvili’s worsening health have engulfed Georgia and its politics. Saakashvili transformed this small Caucasus country into a unique post-Soviet success story in the early 2000s, a beacon of freedom in authoritarian Russia’s backyard and a close Western friend. Misha, as Georgians refer to him, is a divisive character. Many people admire him for pioneering anti-corruption measures that transformed one of the world’s most corrupt countries into a functioning, modern state; nonetheless, he is reviled for the populist, authoritarian tendencies he developed in the process. On the other side, Russia is quite interested in the current problems in Georgia. Vladimir Putin notoriously [threatened](#) Saakashvili and has painful plans for him. It appears that the Georgian government is currently taking care of him.