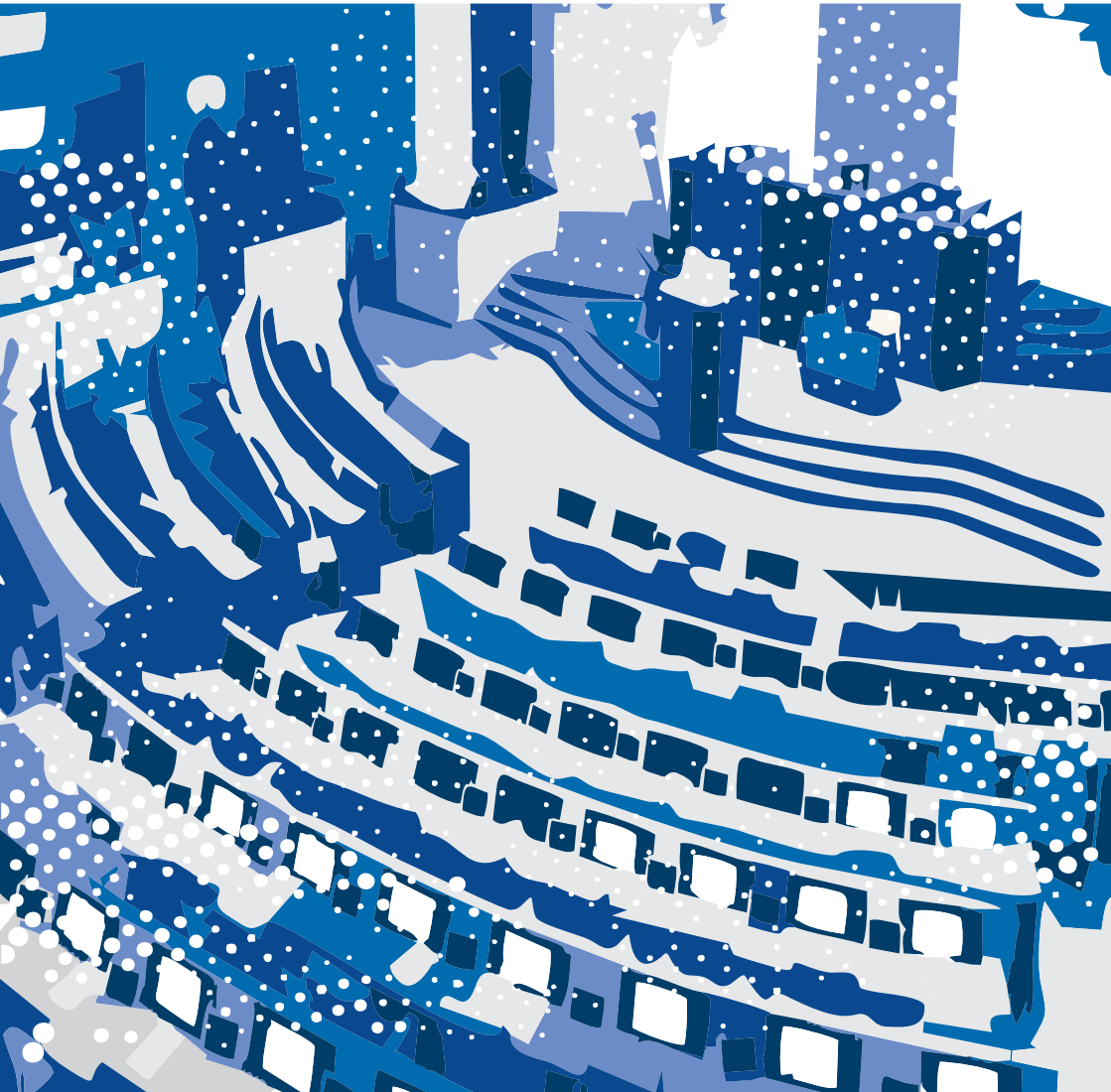




GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION

Overview of the legal environment following the October 26, 2024 parliamentary elections



OVERVIEW OF THE LEGAL ENVIRONMENT FOLLOWING THE OCTOBER 26, 2024 PARLIAMENTARY ELECTIONS

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TABLE OF CONTENTS

INTRODUCTION	4
1. ACCELERATED LAWMAKING BY THE “GEORGIAN DREAM” PARLIAMENT	5
2. AMENDMENTS TO THE RULES OF PROCEDURE OF THE PARLIAMENT	6
3. FOREIGN AGENTS REGISTRATION ACT - FARA	7
4. AMENDMENTS TO THE ELECTION CODE AND THE RESOLUTIONS OF THE CENTRAL ELECTION COMMISSION (CEC)	8
5. AMENDMENTS TO THE BAN ON POLITICAL PARTIES	10
6. THE GEORGIAN DREAM PARLIAMENTARY INVESTIGATIVE COMMISSION AND ITS ACTIVITIES	10

INTRODUCTION

Following the 2024 parliamentary elections, the newly convened “Georgian Dream-led” Parliament held its first session on November 25.¹ In accordance with the Constitution, the first session of the newly elected Parliament must be convened no later than the tenth day following the official publication of the election results. The specific date is determined by the President. President Zourabichvili did not convene the first session of Parliament, choosing instead to appeal to the Constitutional Court regarding the constitutionality of the parliamentary elections. Her appeal was based on alleged violations of two fundamental principles of democratic elections: universality and the secrecy of the vote. If the Court finds the elections unconstitutional, this may result in the annulment of the election results, either in full or in part - potentially affecting specific electoral districts or polling stations.² Accordingly, in fact, the legality of the election of all the members of the Parliament was appealed in the Constitutional Court.³ Therefore, the Parliament was unable to formally recognize the mandate of the newly elected members.⁴ Nevertheless, it proceeded to convene and confirmed their authority, despite the pending constitutional challenge. This action formed the basis for viewing the functioning of Parliament as illegitimate. In protest, the opposition refused to participate in parliamentary proceedings and declared a boycott of the legislative body. Operating under these contested conditions, Parliament continued its activities, adopted repressive legislation in response to public demonstrations, and contributed to the strengthening of authoritarian tendencies. These developments marked a significant setback for democratic governance in the country.

The date of the Georgian presidential elections was set for December 14.⁵ According to the Constitution, the Electoral College is composed of 300

¹ “The first session of the XI Convocation of the Parliament opened”, Official Webpage of Georgian Parliament, 25. November, 2024, available at: <https://www.parliament.ge/en/media/news/xi-motsveis-parlamentis-pirveli-skhdoma-gaikhsna>, 10.04.2025.

² Subparagraph b of Article 23, First Clause, Article 4 of the Organic Law of Georgia on the Constitutional Court of Georgia.

³ Because if the Constitutional Court were to establish a violation of the challenged principles, then the elections would be considered unconstitutional, which would create grounds for annulling their results. Accordingly, all the newly elected members would be considered as illegally elected.

⁴ Article 86, Paragraph 5, Sub-paragraph A of the Regulations of the Parliament of Georgia.

⁵ Resolution of the Parliament of Georgia “On the Appointment of the Next Elections of the President of Georgia”.

members; however, only 225 participated in the vote - 224 representing Georgian Dream and one from the Patriotic Alliance of Georgia.⁶ Only one presidential candidate from “Georgian Dream” participated in the elections - Mikheil Kavelashvili, who collected 224 out of 225 votes in the voting.⁷

1. ACCELERATED LAWMAKING BY THE “GEORGIAN DREAM” PARLIAMENT

Between November 28, 2024, and May 7, 2025, 86% of the laws adopted by Parliament were passed through an accelerated legislative procedure.⁸ Within a period of less than six months, the “Georgian Dream-led” Parliament initiated and adopted 27 draft laws through an accelerated procedure. These included both comprehensive legislative packages and individual amendments. A significant portion of the laws adopted in this manner are directed toward restricting fundamental rights. One of the legislative packages, initially submitted to the Parliamentary Bureau on December 9, 2024, was adopted under an expedited procedure just four days later, on December 13. The package introduced several restrictions, including a ban on covering one’s face with a mask or other means during public assemblies, as well as prohibitions on the use of lasers or other devices emitting sharp radiation. Sanctions for violating the rules governing assemblies and demonstrations were also increased, and the grounds for administrative detention were expanded. Despite the significant impact of these changes, the explanatory notes accompanying the draft laws in the package failed to justify the urgency of their expedited adoption. Furthermore, Parliament adopted several additional legislative packages and individual laws that restrict human rights and contribute to the deterioration of the legal environment in the country.

⁶ “Notice on the results of the December 14, 2024 Presidential Elections of Georgia”, official website of the Central Election Commission, available at: <https://cesko.ge/ge/archevnebi/2024>, updated: 10.04.2025.

⁷ Ibid.

⁸ GYLA Facebook page, available at: <https://www.facebook.com/photo.php?fbid=1052645706907451&set=pb.100064860933385.-2207520000&type=3>, updated: 22.04.25.

2. AMENDMENTS TO THE RULES OF PROCEDURE OF THE PARLIAMENT

On May 13, the “Georgian Dream-led” Parliament adopted amendments to its Rules of Procedure, reorganizing several aspects of parliamentary operations. Under the revised provisions, certain key matters - such as the election of officials, the establishment of investigative and other temporary commissions, the vote of confidence in the government, the election of the President of Georgia, and the impeachment of public officials - are no longer required to undergo committee-level discussion.⁹ Under the new regulations, these matters will be submitted directly to the plenary session, bypassing committee-level review. The criteria used by the legislature to determine which issues are handled in this manner remain unclear. Parliamentary work is fundamentally rooted in committee proceedings, where detailed scrutiny and sector-specific expertise are applied. For instance, during a vote of confidence, proposed ministerial candidates are traditionally reviewed by the relevant sectoral committees, which examine and evaluate the respective components of the government’s program.¹⁰ Under the revised rules, this procedure has been eliminated. According to Speaker Shalva Papuashvili, the previous process is no longer deemed appropriate, as the government team will, by default, be supported by the parliamentary majority, while the opposition will not.¹¹ Accordingly, in his opinion, there is no longer a need for a committee discussion.

The new draft no longer includes the obligation to publish information on the organization of committee working groups and the minutes of their meetings on the Parliament’s website. Under the previous regulations, the committee was required to determine the term of office of the working group and to publish a decision on its creation within 14 days. This decision was to include details on the group’s composition, objectives, and duration of work.¹² Additionally, the working group was required to publish the minutes of its meetings on the Parliament’s website and to present the results of its work to the committee, which were also made publicly available.¹³ And the progress made through previous reforms is being disregarded.

⁹ Draft of Rules of Procedure of the Parliament of Georgia, Article 41, Paragraph 2.

¹⁰ Rules of Procedure of the Parliament of Georgia, Article 160, Paragraph 3.

¹¹ Plenary Session of the Parliament - 15.04.2025, 47:00-49:40.

¹² Rules of Procedure of the Parliament of Georgia, Article 46, paragraphs 2 and 3.

¹³ Ibid, Paragraphs 7 and 8.

Regarding parliamentary oversight mechanisms, it is important to note that both the Minister's Hour and the thematic investigative groups have been abolished. The explanatory note justifies the elimination of the Minister's Hour by citing an increased frequency of interpellations. However, interpellation is a fundamentally different procedure and cannot substitute for the Minister's Hour in terms of either content or process.

In the part of thematic research, the legislator decided to completely disappear the mechanism with the argument that it will be replaced by a temporary commission, which cannot be a proper argument, since the temporary commission is created by the parliament. And the thematic investigation is essentially a committee mechanism that studies the issue at the sectoral level, identifies problems and identifies solutions, and in this process, it takes into account the mandatory involvement of various stakeholders. Especially in the context of the fact that the quorum for forming an ad hoc commission has increased and instead of a majority of votes of those present, but not less than one-quarter of the full composition of the Parliament, it will be one-third. Under the new rules, the threshold has been raised to one-third of the full composition - meaning that instead of 38 deputies, 50 are now required.

The strategic and results-oriented activities of both the Parliament and its committees have been significantly reduced. In particular, the Parliament and the Committee will no longer be obliged to develop an action plan, and the annual report developed by the Committee will not be submitted separately to the Parliament and will not be published publicly.

Following the first reading, the provision on interpellation was revised with a newly formulated version that introduced several procedural changes. Under the new wording, in addition to the written question submitted as part of the interpellation, an oral question may also be posed. According to the Speaker, this oral question may differ from the original interpellation question and may address topical issues.¹⁴ According to Speaker Papuashvili, the authors of the new regulations aimed to align the interpellation procedure with the government's so-called "Question Hour". His rationale is that the Constitution explicitly defines the interpellation mechanism but does not provide for a separate ministerial or government hour. Therefore, to avoid

¹⁴ Speaker Shalva Papuashvili, available at: <https://streaming.parliament.ge/parl01/2025-05-13T12:57:19+04:00>, updated: 13.05.25.

constitutional violations and the introduction of mechanisms not prescribed by the Constitution, the interpellation was adopted to resemble the “Question Hour”. However, interpellation and the government hour are fundamentally different: the latter is intended to provide ministers with the opportunity to respond briefly to current issues in a question-and-answer format. The Georgian Young Lawyers Association (GYLA) has consistently advocated for the formal establishment of such a government hour mechanism.¹⁵

Regarding the sessions of the temporary investigative commission, the obligation to hold at least two sessions per month has been removed. The new regulations grant the commission full discretion over the frequency of its meetings. Additionally, the powers of the commission’s chairman may be expanded as outlined in the commission’s own regulations. Specifically, the new provision states that the chairman’s “other powers” are to be defined by the commission’s regulations.¹⁶

The updated regulations abolish the standing parliamentary councils on gender equality, open governance, and child rights. Additionally, the scope of parliamentary boycotts has been modified, permitting Members of Parliament to declare a boycott not broadly, but specifically in relation to individual agenda items.¹⁷

3. FOREIGN AGENTS REGISTRATION ACT - FARA

In addition to the accelerated legislative process, normative acts adopted through standard procedures were also aimed at discrediting NGOs and their activities. A notable example is the Foreign Agents Registration Act (FARA). According to the law, any individual or organization deemed by the head of the Anti-Corruption Bureau to be acting in the interests of a foreign entity is required to register as an agent of a foreign principal. Failure to comply may result in sanctions, including criminal liability. The Anti-Corruption Bureau serves as the primary executive body responsible for enforcing the

¹⁵ Alaverdashvili, G., Kapanadze, N., Parliamentary Control in the Tenth Convocation Parliament: Part One, Georgian Young Lawyers’ Association, 2023, 22-23; Vakhushiti Menabde and others, Parliamentary Control after the Reform of the Constitution and Rules of Procedure, Georgian Young Lawyers’ Association, 2020, 28-31.

¹⁶ Draft of Rules of Procedure of the Parliament of Georgia, 2nd reading edition, Article 62, paragraph 3, subparagraph “e”.

¹⁷ Draft of Rules of Procedure of the Parliament of Georgia, Article 87, paragraph 9.

law, including identifying and designating entities that must be registered as agents of a foreign principal. The Bureau is responsible for receiving registration applications, evaluating them on their merits, and, when necessary, taking enforcement measures - such as imposing fines or petitioning the court to compel compliance. It holds considerable authority, including the power to request detailed financial documentation and initiate legal proceedings.

If an individual is deemed an agent of foreign influence by the head of the Anti-Corruption Bureau and fails to register in accordance with the law, the Bureau may petition the court to enforce mandatory registration. The court may impose a fine for evading registration or for submitting false information. Additionally, the law provides for criminal liability as a possible sanction.

Another significant setback in the process of discrediting and weakening the civil sector is the amendments to the Georgian Law on Grants, which the Parliament supported on February 20, 2025.¹⁸ According to the amendments, the issuance of a grant now requires the prior approval of the Government of Georgia or an authorized entity designated by it.¹⁹ It is not permissible to receive a grant without this consent.²⁰ In addition, the law designates the Anti-Corruption Bureau as the authority responsible for overseeing the issuance and receipt of grants issued without prior government consent.²¹ The Bureau is also empowered to investigate such matters - this includes the authority to request financial reports from organizations, interview relevant individuals, and undertake other investigative actions. The Law on Grants entered into force on April 16, 2025.

4. AMENDMENTS TO THE ELECTION CODE AND THE RESOLUTIONS OF THE CENTRAL ELECTION COMMISSION (CEC)

In January 2025, the “Georgian Dream” parliament amended the Election Code to prohibit the head of an election observation organization, as well as individual observers, from engaging in or participating in any form of

¹⁸ “Parliament supports amendments to the Law on Grants”, official website of the Parliament of Georgia, February 20, 2025, available at: <https://www.parliament.ge/media/news/parlamentma-grantebis-shesakheb-kanonshi-tsvilebas-mkhari-dauchira>, updated: 20.05.2025.

¹⁹ Paragraph 1 of Article 5¹ of the Law of Georgia “On Grants”.

²⁰ Ibid.

²¹ Ibid, paragraph 1 of Article 6¹.

campaign activity.²² At the same time, individuals cannot serve as observers, party representatives, or media representatives if they have been convicted by a final court decision of an election-related offense within the past four years. It is noteworthy that such a restriction previously applied only to the election of members of the Election Commission.²³

Another significant amendment is the increase in the penalty for interfering with the activities of the election commission, which has risen from GEL 500 to GEL 2,000.²⁴ The explanatory note does not specify the rationale behind the increase in the sanction, especially considering that this penalty has rarely been applied in electoral practice.

A change has been introduced to the rules for distributing unallocated mandates in proportional representation elections of the Sakrebulo. Under the previous rule, one of the unallocated mandates was first assigned to party lists that had surpassed the 4% threshold but had not won any mandates through the initial vote distribution. If unallocated mandates remained, they were then distributed to party lists that had already received mandates, in order of the largest remaining vote balance. Under the previous rule, more parties had the opportunity to receive mandates in the Sakrebulo, thereby ensuring broader representation and better reflecting the will of the electorate - particularly important given the specific nature of local self-government. Although the first stage of allocating unallocated mandates remains unchanged under the newly adopted amendments, the second stage has been significantly altered. Instead of awarding the remaining mandates to parties with the highest vote balance, they will now be allocated to parties with the highest overall vote totals. This approach increases the risk of vote dilution and undermines the principle of proportional representation.

On April 3, 2025, the Central Election Commission (CEC) amended its resolutions, introducing changes to how the status of election observers is regulated. According to Article 1 of the Resolution, paragraph 6¹ was added to Article 6 of Resolution No. 7/2023 dated February 6, 2023. This paragraph stipulates that any person authorized to be pres-

²² "On Amendments to the Organic Law of Georgia "Election Code of Georgia", Official Website of the Parliament of Georgia, January 22, 2024, available at: <https://www.parliament.ge/legislation/30012>, updated: 10.04.2025.

²³ Article 24, paragraph 6 of the Election Code of Georgia.

²⁴ "On Amendments to the Organic Law of Georgia "Election Code of Georgia", Official Website of the Parliament of Georgia, January 22, 2024, available at: <https://www.parliament.ge/legislation/30012>, updated: 10.04.2025.

ent at the polling station is prohibited from: (a) physically obstructing a voter's movement within the polling station; (b) demanding the presentation of a voter's identity document, including confiscating it; and (c) photographing, videotaping, or otherwise processing a voter's identity document, voter data displayed on the voter verification machine, the voter verification receipt printed from the machine, or the voter's ballot choice.

The International Society for Fair Elections and Democracy appealed the mentioned changes in the resolutions to the court.²⁵ GYLA submitted an amicus curiae opinion on the aforementioned lawsuit.²⁶ However, both the city and appellate courts upheld the changes.²⁷

5. AMENDMENTS TO THE BAN ON POLITICAL PARTIES

On March 26, the “Georgian Dream” parliament registered a draft law, which was approved in its third reading on May 13. The law proposes amendments to the organic laws on “Citizens’ Political Unions” and “The Constitutional Court of Georgia”, aiming to extend the ban on political parties to so-called “successor” parties - those that essentially replicate the declared goals and/or core activities of a party previously banned by the Constitutional Court. It is worth noting that the “essence of a party’s activities” also encompasses its personnel composition, including the party list submitted to the election commission. Additionally, the Organic Law “On the Constitutional Court of Georgia” sets specific timeframes for reviewing such claims: a 9-month period under normal circumstances and a 14-day period during the election period.

Under the current legal framework, the Constitutional Court of Georgia is authorized to ban a political party if it determines that the party’s objec-

²⁵ “Tbilisi City and Appeals Courts Upheld CEC Resolution Essentially Limiting Election Observation”, International Society for Fair Elections and Democracy Official Website, April 9, 2025, available at: <https://www.isfed.ge/geo/gantskhadebebi/tbilisis-saqalaqo-da-saapelatsio-sa-samartloebma-dzalashi-datoves-tsescos-mier-mighebuli-dadgenileba-romelits-arsebitad-zghudavs-archevnebz-dakvirvebas>, updated: 19.05.2025.

²⁶ GYLA Presented an Amicus Curiae Brief on the Illegal Resolution of the Election Commission, Official Website of the Georgian Young Lawyers’ Association, April 8, 2025. Available at: <https://gyla.ge/post/saias-sasamrtlo-megbris-mosazreba>, updated: 19.05.2025.

²⁷ “Tbilisi City and Appeals Courts Upheld CEC Resolution Essentially Limiting Election Observation”, International Society for Fair Elections and Democracy Official Website, April 9, 2025, available at: <https://www.isfed.ge/geo/gantskhadebebi/tbilisis-saqalaqo-da-saapelatsio-sa-samartloebma-dzalashi-datoves-tsescos-mier-mighebuli-dadgenileba-romelits-arsebitad-zghudavs-archevnebz-dakvirvebas>, updated: 19.05.2025.

tives include the overthrow or violent alteration of the constitutional order, encroachment on the country's independence, violation of its territorial integrity, engagement in war or violence propaganda, incitement of national, ethnic, religious, or social hostility, or the creation or maintenance of armed formations.²⁸ The term of consideration of the constitutional claim was 9 months.²⁹

6. THE GEORGIAN DREAM PARLIAMENTARY INVESTIGATIVE COMMISSION AND ITS ACTIVITIES

On January 29, 2025, the Georgian Dream faction submitted a proposal to establish a Temporary Investigative Commission charged with examining the activities of the former regime and its political officials during the period from 2003 to 2012.³⁰ According to the Rules of Procedure of the Parliament, the establishment of an investigative commission must be based on information indicating illegal actions by a state body or official, or corruption violations that threaten Georgia's state security, sovereignty, territorial integrity, or its political, economic, or other vital interests.³¹ According to the explanatory note, the primary objective of the investigative commission—and consequently the scope of the investigation—was to evaluate the crimes allegedly committed by the former regime and its political officials between 2003 and 2012, and to analyze their decisions within a legal framework.³²

The vote on the establishment of the Georgian Dream Investigative Commission took place on February 5, 2025, during which the self-proclaimed parliament approved the initiative with 83 votes in favor. Subsequently, on February 7, 2025, the parliamentary bureau resolved to implement proportional representation quotas within the commission. Formally, the commission's composition consists of 10 members: 5 representatives from the majority faction, 2 each from the People's Power faction and non-partisan deputies (including members from the Gakharia for Georgia party, which declined to

²⁸ Article 36 of the Organic Law "On Political Unions of Citizens", as of April 16, 2025.

²⁹ Article 22, Paragraph 1 of the Organic Law "On the Constitutional Court of Georgia", as of April 1, 2025.

³⁰ Letter N07-3/23 from the Georgian Dream faction to the Bureau of the Parliament of Georgia.

³¹ Article 61, paragraph 2 of the Rules of Procedure of the Parliament of Georgia.

³² Explanatory note on the draft resolution of the Parliament of Georgia "On the establishment of a temporary investigative commission to investigate the activities of the regime and its political officials in 2003-2012".

enter parliament), and 1 member from the European Socialists.³³ Since the “Gakharia for Georgia” party has not entered parliament at this stage, it has not appointed any members to the commission. Consequently, all current commission members effectively represent a single political entity, as both the “People’s Power” faction and the “European Socialists” parliamentary group secured their seats through the party list of the “Georgian Dream”.

Five days after the composition was approved, the commission convened its inaugural meeting on February 13, during which the chairman and secretary were elected and a draft regulation was prepared.³⁴

The current Investigative Committee of the Parliament of Georgia held 25 commission sessions from February 13 to May 19, during which 77 individuals were interviewed.³⁵ Additionally, the Commission collaborated with various state institutions, including the Parliamentary Administration and the Prosecutor General’s Office of Georgia, as well as with media outlets such as Imedi, Rustavi 2, the Georgian Public Broadcaster, and the Georgian Patriarchate’s television channel Ertsubovneba to acquire photographic and video archives.³⁶

On April 1, Parliament extended the scope of the commission’s investigation from 2012 to the present, until 2025.³⁷ Accordingly, the commission’s

³³ The members of the commission are: from the Georgian Dream faction: Tea Tsulikiani (chairman), Aleksandre Tabatadze, Tengiz Sharmanashvili, Aluda Ghudushauri, Paata Salia (later Irakli Kadagishvili), from the People’s Power political group: Sozar Subari (secretary), Guram Macharashvili, from the European Socialists political group: Ilia Injia. See the decision of the Bureau of the Parliament of Georgia “On the approval of the number of members and proportional representation quotas in the Temporary Investigative Commission of the Parliament of Georgia to investigate the activities of the current regime and political officials of the regime in 2003-2012”.

³⁴ Minutes N1 of the first organizational meeting of the Temporary Investigative Commission of the Parliament of Georgia, presented by the Temporary Investigative Commission of the Parliament of Georgia, investigating the activities of the regime and political officials of the regime in force in 2003-2012.

³⁵ “Interim Report on the Activities of the Temporary Investigative Commission of the Parliament of Georgia Investigating the Activities of the Regime in Power in 2003–2012, Political Officials of this Regime, and Current and Former Officials Associated with Political Parties from 2003 to the Present (February 13, 2025 - April 28, 2025)”, Official Website of the Parliament of Georgia, April 28, 2025, also see the relevant articles of the Parliament:<https://www.parliament.ge/parliament/commissions/65528/deputies>.

³⁶ Ibid.

³⁷ “Amendments have been made to the Resolution on the Temporary Investigative Commission of the Parliament”, official website of the Parliament of Georgia, April 1, 2025, available at: <https://parliament.ge/media/news/parlamentis-droebiti-sagamodziebo-komisiis-she->

mandate was expanded beyond investigating solely the anti-state actions committed by officials during 2003–2012. It extended its inquiry to include the activities of current and former political officials affiliated with political parties up to the present day, encompassing the period following 2012.³⁸ Notably, during 16 of the 17 sessions held up to April 28, the Commission focused on actions taken by state officials between 2003 and 2012. Only one session was dedicated to discussing various events that occurred during the tenure of former Prime Minister Giorgi Gakharia.³⁹

It is noteworthy that several summoned individuals, including opposition party leaders, failed to appear before the commission or provide explanations despite being requested to do so. In response, the commission referred the matter to the Prosecutor General's Office for further action concerning their non-compliance.⁴⁰ The Criminal Code of Georgia regulates the failure to comply with the requests of the temporary investigative commission of the Parliament and imposes the appropriate sanction - a fine or imprisonment for a term of up to one year, deprivation of the right to hold a position or engage in activity for a term of up to three years.⁴¹

At this stage, the investigative commission remains active and continues to examine the issues outlined in its agenda.

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³⁸ Ibid.

³⁹ "The Temporary Investigative Commission Interrogated Giorgi Gakharia", official website of the Parliament of Georgia, April 1, 2025, available at: <https://parliament.ge/media/news/droe-bitma-sagamodziebo-komisiyam-giorgi-gakharia-gamokitkha>, updated: 01.05.2025.

⁴⁰ A total of 8 people: Badri Japaridze, Mamuka Khazaradze, Irakli Okruashvili, Nika Gvaramia, Zurab Girchi Japaridze, Giorgi Vashadze, Nikanor Melia, Giorgi (Givi) Targamadze.

⁴¹ Article 349 of the Criminal Code of Georgia.