

GEORGIA IN 2008: ELECTIONS OR STREET POLITICS?

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TENTH CONGRESS SECOND SESSION

FEBRUARY 6, 2008

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GEORGIA IN 2008: ELECTIONS OR STREET POLITICS?

February 6, 2008

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe.

Members of Congress present: Hon. Lloyd Doggett (D-25) a Member of Congress from the State of Texas.

Witnesses present: Matthew Bryza, Deputy Assistant Secretary of State for European and Eurasian Affairs; H.E. Vasil Sikharulidze, Ambassador of Georgia to the United States; and Salomé Zurabishvili, former Foreign Minister of Georgia.

The hearing was held at 2:30 p.m. in room B-318 of the Rayburn House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.

HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. HASTINGS. Thank you very much for being here, ladies and gentlemen. Welcome to the hearing.

As we all know, Georgia has been very much in the news lately and may remain in the headlines for some time, so the reason for this hearing is obvious. My apologies for being a few minutes late. Airplanes don't always do what they claim they're going to do.

But anyway, we hope to examine today where we all stand, after the events of the last few months, during which Georgia has experienced, quite frankly, quite a history. I'm sure everyone here is familiar with the chronology that led to Georgia's snapped election last month, so I'll dispense with that portion of my remarks and allow that all of us are informed.

I was appointed to lead the international observation mission for the OSCE by Foreign Ministers Miguel Angel Moratinos of Spain and Ilkka Kanerva of Finland. The OSCE observer mission comprised the OSCE Parliamentary Assembly, the ODIHR, the Parliamentary Assembly of the Council of Europe and the European Parliament.

In Tbilisi we met with candidates, including the opposition. We also met with then Acting President Nino Burjanadze, who is the Speaker of the Parliament.

On the basis of all the information we received—and I would add a caveat there; not only did we, but I met with lots of Georgian citi-

zens, just people. As a matter of fact, I'm real proud of the fact that there were three young people that were not going to vote, in the hotel that I was staying, and for the whole while that I was there, I just hammered them back and forth about voting and the importance of voting, et cetera. One had family problems and didn't vote, but the other two did, and both of them were triggered by me, so I even helped people go to the polls in Georgia.

On the basis of all this information we received, as well as monitoring the balloting and vote counting in many precincts, we concluded that, while there were significant challenges that needed to be urgently observed, Georgia's election largely met OSCE standards. On January 6th, we announced our conclusions to the world.

According to Georgia's central election commission, President Saakashvili was re-elected with over 53 percent of the vote, thus avoiding a run-off. That result has been officially ratified, and Mikheil Saakashvili was inaugurated on January 20.

Now, I'm well aware that many Georgian opposition leaders reject the official results. They do not recognize President Saakashvili. They may well believe that the international observation mission was wrong, did its work badly or was pursuing even less savory goals.

But I'd like to affirm here that I stand behind the conclusions the OSCE observers reached in Tbilisi on January 5 and 6. We had no ulterior motives or an agenda dictated by any government. We called the election as we saw it. And I had said repeatedly around the world in election observations, if anybody can live through the Florida experience of the year 2000, and I can call that election bad, I sure can call one good or bad anywhere else in the world.

But still questions have been raised by NGOs, and subsequent reports among others by the ODIHR. This hearing will provide a venue to air some of those concerns. Moreover, reconciliation has not been achieved in Georgia.

Opposition leaders last week put forward a list of demands, including a recount of the ballots, equal representation on election commissions and guarantees of media freedom. They say if these demands are not met, that they will launch a permanent street protest starting February 15th and will boycott parliamentary elections schedule for this spring.

So once again we face uncertainty in Georgia. Will we see any electoral approach for the resolution of political conflict or a protracted period of street politics? I hope that Georgians can find a way to bridge their differences. It would be deeply regrettable if uncertainty turns into instability.

I see the upcoming parliamentary election as an opportunity to redress some of the grievances that have accumulated in Georgia over the last few years. There's every reason to believe that opposition parties have a good chance to win many seats in parliament, perhaps even a majority. For that reason I strongly urge them not to boycott the election, but to participate and campaign more actively than ever before.

But ultimately, it's for the Georgian people to decide how they want to pursue the development of democracy and integration into Western institutions—clearly important goals for Georgia's population.

Our three witnesses representing the U.S. Government, the Georgian Government and the Georgian opposition will give us critical perspectives on these issues. We've also asked the National Democratic Institute and the International Republican Institute, which both fielded high-level permanent observer delegations, are to submit statements for the record. Freedom House has also sent us materials.

I'm not going to provide a detailed biography of our witnesses. Their impressive resumes can be found on our Web site and the tables outside of the hearing room.

And before we begin with Secretary Matthew Bryza, the Deputy Assistant Secretary of State for Europe and Eurasia, I'm going to hear from my colleague, who was in Georgia with me as an election observer as well, and the weather didn't treat him well, and he wound up in Georgia for an extended period of time. And he and I have not had an opportunity to communicate at length about that, so if you don't mind, I'd like, please, for my distinguished colleague from Texas, Lloyd Doggett, to make any opening statement he may wish to make.

**HON. LLOYD DOGGETT (D-25) A MEMBER OF CONGRESS FROM
THE STATE OF TEXAS**

Mr. DOGGETT. Well, thank you very much. I'm mainly here, like you, to hear from our witnesses. But, yes, we did not have Florida or Texas weather on any of the days that we were there.

I want to thank you, Chairman Hastings, not only for holding this hearing, but for the outstanding leadership that you provided in Georgia, leadership of other parliamentarians from other democracies, as we served as observers there for these historic, really first genuinely contested elections in the history of the Republic of Georgia.

As one of the observers, I shared the determination that Chairman Hastings, along with the other delegations of OSCE monitors, announced that this election in essence corresponded to OSCE standards. But at the same time, I recognize that this very young democracy continues to face immense challenges.

As best I could determine, the process as I saw it was at least as fair as some of the elections that I've observed in my home state of Texas, and probably better than at least one I remember from your home state of Florida.

As an observer, one of the communities that I went to poll stations at was in the town of Gori, the birthplace of Joseph Stalin. And I must say, as many elections as I've been through, I found it remarkable to see lines of Georgians, some stretching into the snow that day, turning out at a polling station on Stalin Avenue across the street from the Stalin Museum.

In that polling station and in others, the people that I talked with—and I sought out the observers for the opposition parties and the election commission members who were from the opposition parties—I did not receive one indication of an election day irregularity at any of the polling stations in Gori or any other towns that I visited.

This spring, as the Chairman has indicated, Georgians will hold parliamentary elections, which provide an opportunity for political

reconciliation. During this time it's critical that the government address the shortcomings that were identified in the election process and act on the recommendations of international observers and seek common ground with the opposition.

But I would say that the opposition also has some responsibilities. I personally spent 12 years in the minority in the opposition of this Congress, and finally 1 year in the majority. The 1-year was much better than the 12 years, but while I strongly prefer being in the majority, I recognize the important role that a minority plays in a democracy.

So long as the rules permit the minority to always have a fair opportunity to become the majority, that's what a democracy is all about. And I think that in ensuring that democracies flourish, the opposition has a critical role to play.

In Georgia my feeling was that the concept of a valued loyal opposition—loyal not to the majority, but loyal to the democratic process—is not fully appreciated. For every democracy to succeed, it needs to have an adequate and flexible opposition, presenting alternative policies to address the needs of the country.

And I think totally rejecting the election process is not helpful, and it's not an alternative to the role that an opposition can play, just as the opposition, of which I was a vigorous part, played in the last 12 years and which our Republican colleagues play today here in the House.

I was tremendously impressed, Mr. Chairman, as I know you were, with the important role that our Ambassador plays in Georgia and his political officer, Alan Purcell, and their entire team. Many of these polling stations I noted, including the one on Stalin Avenue, had a poster there paid for by U.S. taxpayers, explaining to people what these new voting processes were like and the steps that were taken to avoid election fraud.

I believe that was a worthy investment of American taxpayer money, because it really is an investment in a bipartisan concern about Georgia and its importance to America and to this Congress.

As you, I believe, referenced, our former colleague, Jim Kolbe, was there on behalf of the International Republican Institute, leading a delegation that included one of my constituents, who is a Republican with some experience in elections as a former secretary of state, and Ken Wollack was there with a delegation from the National Democratic Institute.

I believe that our country should continue investing in and working with democracy to assist the Georgian people, build on the democratic gains that they have achieved and promoting Georgia in our dealings with them. Our commitment is not to one person. It's not to one party. But it is a commitment for a more secure, a more democratic, and a more prosperous Georgia.

I would particularly like to emphasize the dedication that you demonstrated, Mr. Chairman, in the leadership of the Helsinki Commission there in Georgia and to acknowledge the staff who accompanied us there. Fred Turner, Lale Mamaux, and Ron McNamara assisted me personally and played an important role in our being able to accomplish our objectives of demonstrating our commitment to Georgia and our eagerness to assure a fair election.

Thank you for this opportunity, and I'm going to ask that you include in the record an article that was published in the Austin paper, advising my Texas constituents of what was happening on the opposite side of the world when it came to democracy and why it's important to do. Thank you so much.

Mr. HASTINGS. Without objection. Thank you very much, Congressman Doggett. I can tell you that it was a real reward for me, having participated in numerous election observations, to have you there with us.

Before hearing from the Deputy Assistant Secretary for Europe and Eurasia Affairs, I would say this about Matthew Bryza. I know a lot of people at the State Department, including the Secretary of State. I just was with the Secretary of State last week in Colombia, yet another place that has impending elections and issues.

But that said, I don't know too many people that have been as dedicated and committed, nor have as much knowledge or, from the standpoint of a legislator, a willingness to be accessible, as Secretary Bryza has been with me and the Helsinki Commission and my staff in my regular office.

With that, Secretary Bryza, I welcome you and ask you to make any remarks you may wish to make. I understand that you will have to move on after Mr. Doggett and I ask you a few questions.

**MATTHEW BRYZA, DEPUTY ASSISTANT SECRETARY OF STATE
FOR EUROPEAN AND EURASIAN AFFAIRS**

Sec. BRYZA. Thank you so much, Mr. Chairman and Congressman Doggett, for being here, for those extremely warm and overly generous remarks about me, at least, and your staff and friends of mine I've known for years and working in the same direction, as you just described, to advance democracy in Georgia, my goal and your entire staff. Thank you.

And thank you for your leadership, and yours, Congressman, in being there to observe the elections. The OSCE for us is the gold standard. When it comes to election observation, you are a key part of that process. Your credibility is unassailable. You have so much experience observing these elections all over the world, and so we were very fortunate to have you there, and we followed absolutely carefully all of your words and your assessment and happen to agree with it.

In fact, I fear that my remarks might sound repetitive, because I'm simply going to restate what both Chairman Hastings and Congressman Doggett have said, but I guess in a different way. And I begin from the premise and fact that the U.S. Government and everyone who is a citizen of the United States who has ever heard of Georgia or been there have a very warm feeling of friendship toward Georgia.

And, too, it's accurate to say friends of mine are here with me on this panel, Ambassador Vasil Sikharulidze and former foreign minister and distinguished opposition leader Salomé Zurbishvili. It's an honor just to be here with them as well on this panel.

And I guess that's a good jumping off point. Why do we have such positive feelings about Georgia? Well, we have common strategic interests that drove our policy with Georgia, and we have shared values.

Just for a moment on the strategic interests. At the beginning of this administration, and in the last administration as well, we got very focused on Georgia for a couple of reasons that had to do with realpolitik.

What really elevated Georgia's strategic interest in the international community was energy originally. Oil and gas pipelines have traversed Georgian territory from the Caspian Sea and into Europe to help Europe achieve its own goal of diversifying its supplies of oil and natural gas.

We also have a very strong record of cooperating with Georgia on hardcore security concerns and counterterrorism. Before the Rose Revolution, we worked hard with the Government of Georgia to change the situation in the Pankisi Gorge near Georgia's border with Russia's Republic of Chechnya, where we had serious concerns about international terrorists and other fighters, contributing to instability in the region. And under then President Shevardnadze the Georgian Government cleaned up that problem.

And today we have a very strong security relationship with the government of President Saakashvili, with Georgia providing 2,000 troops in Iraq, which is the largest contribution of any country beyond the United States and the United Kingdom. And that's just the beginning of our security relationship with Georgia.

So the point I'm making is, yes, certainly, we have hardcore realpolitik interests on the table with Georgia, but the level of warmth and connection that we feel with Georgia, as officials or as private citizens, go well beyond that. And that derives from the shared values that we experience with Georgia. It's the love of freedom, political and economic freedom, and the commitment to democracy, democratic values and human rights.

As you, Mr. Chairman, and you, Congressman Doggett, have outlined, the situation is not perfect in Georgia—far from it. And this election was not an example or a model to be followed elsewhere in the world.

I come from Chicago, where we have also a peculiar form of local democracy at times, and all of us, all of our systems have their shortcomings. And it's not an excuse. That's an observation that imbues all of us that care about Georgia with energy to make sure these parliamentary elections coming up are significantly better in terms of the procedures than this election.

That said, we share the assessment of you, Mr. Chairman, of OSCE, of the Parliamentary Assembly, of ODIHR as well, that in essence these elections adhered to the standards and commitments of democracy that we think of in the OSCE community, that in essence reflected those commitments—and in practice, but there's more to be done to make sure the parliamentary elections provide that opportunity that Congressman Doggett spoke about for an opposition to flourish and to participate fully in the political life of the country.

I'd like to put the remarks I just made in very brief historical context, not going back years, but just a couple of months. In September and October, demonstrations began in Tbilisi that grew in size till November 2nd, when opposition leaders, including Ms. Zurabishvili, issued a series of absolutely understandable and legitimate demands that focused on the need for electoral reform.

And by the way, we hailed in the State Department and the U.S. Government that demonstration as an example of the exercise of the democratic right of peaceful and lawful assembly. The next day some of those demands were escalated, and there were remarks about President Saakashvili, calling him a terrorist or a criminal or a traitor and calling for his overthrow.

We didn't associate ourselves with those remarks, which are not in keeping with the spirit of democratic political behavior, because there was a call for a possibly extra constitutional change in power. And in Georgia, as we all know, anybody who's followed Georgian modern history, all too often changes in government have occurred through protests on the street—in fact, right in front of the parliament, where these demonstrations were happening.

So there's a high degree of emotionality and tension that is always present in Georgian politics, particularly in the case of street demonstrations.

This led to November 7th, where there were larger demonstrations after the Georgian Government decided to disperse a protest in the same place in the Parliamentary plaza or before the Parliament building, as well as in Georgia's main thoroughfare, Rustaveli Avenue.

Our assessment of what happened is that initially there was not force used, or excessive force, and some opposition people and participants in that demonstration I spoke with said, "OK. Things were under control in the beginning." But later in the day tensions escalated, emotions escalated, and there were violent clashes between demonstrators and government police.

We condemned the use of force by the Georgian security services, by the police, on November 7th. We assessed that excessive force was probably used and lamented that for the first time in memory that the Georgian government did use force against its citizens. Who threw the first punch will be debated, I guess, as long as people remember this incident. We simply, though, lament that force ended up being used and that emotions escalated.

That was the bad news. And the bad news was also extended when the Georgian Government closed the Imedi television station and instituted a state of emergency. That was the bad news.

The good news was that President Saakashvili tried to defuse the situation with a rather unorthodox and democratic step at that moment of high tension, which was to call for an election that would cut short his term by 1 year and would allow the Georgian people to decide on one of the primary demands of the opposition, which was to hold parliamentary elections earlier—in fact, as they were originally scheduled to be separate from the Presidential election in spring, rather than concurrent with the Presidential election in November. That part was good.

But still I was honored to be dispatched by Secretary Rice to Georgia to try to get the state of emergency lifted and to get the Imedi TV station turned back on. And through a lot of hard work with the OSCE, with you, Mr. Chairman, with Acting President and Speaker Burjanadze, and with the EU, together there was a compromise negotiated that got Imedi TV back on the air for a while and got the state of emergency lifted. That was good.

And Georgia then was able to move toward parliamentary elections. However, there was a lot of concern about the Presidential election, first of all, as you already outlined, serious irregularities that many people claimed had altered the outcome of the Presidential election that then occurred on January 5th.

We listened carefully to all of those complaints. Our embassy and Ambassador Tefft—and thank you for mentioning him, Congressman Doggett; he is one of the best Ambassadors anywhere we have in the world—his team and he personally, led a very careful examination of the most serious complaints.

We brought our concerns to the Central Election Commission. We received a detailed response. We can argue over how adequate the responses were that the Central Election Commission offered to all of the opposition people who raised concerns.

But our honest and best judgment call, after weighting and analyzing, was that President Saakashvili probably did receive over 50 percent of the vote—just squeaked by, perhaps—as the ISFED Georgian NGO also determined through a parallel vote tally.

And so we waited a week before anybody officially congratulated President Saakashvili on a re-election so that we could conduct this very careful analysis. And after a week, we came out—in fact, a week and a day—where we came out, and said that the election was valid, legitimate, that President Saakashvili won a very narrow majority. And that's when President Bush called him.

Again, we recognize that there is serious doubt still out in the Georgian public about this result. It will linger out there. And to dispel any concerns in the future about the parliamentary elections outcome, we think it's crucial that the negotiations ongoing between the Georgian Government and the opposition continue, that the Georgian Government continues to take the opposition's demands with regard to electoral reform seriously, and that the Georgian Government implements improved procedures to make sure everybody sees the parliamentary election as free and fair and legitimate.

And my last comment would be that we indeed call on our friends and colleagues in the opposition to do just what you suggested, Congressman Doggett, and also Chairman Hastings, which is participate vigorously in the parliamentary election. Develop the campaign platforms. Fight for votes. Win a significant number of seats, which is absolutely possible. The outcome of the Presidential election indicated that there was a near 50–50 split in the country.

We anticipate, we hope that the opposition will score a significant number of votes or would be successful, at least, in convincing the Georgian public to vote for it. We hope the outcome will be one in which the disposition of political forces in the Georgian Parliament reflects the will of the Georgian voters, because it is the Georgian voters that must determine the political future of Georgia.

If this election is free and fair, if the Georgian Government restores the sense of momentum in democratic reform that had been out there, if these democratic reforms reflect the economic reforms that the World Bank cited as meriting Georgia's designation as the world's leading economic reformer last year, well then we feel that Georgia will be fully on track to realize its NATO aspirations.

I realize there may be some questions about that in this question and answer session, so I end my remarks here—again, thanking you for your leadership and for your assistance in helping us analyze what happened during the January 5th election.

Mr. HASTINGS. Thank you very much, sir.

Is the U.S. Government involved in discussions between the sides about the 17 demands recently put forward by the opposition?

Sec. BRYZA. Well, these are discussions that are ensuing between the government of Georgia, largely under the leadership of Parliamentary Speaker Burjanadze and opposition leaders.

We encourage the parties to come together and reach compromises on very legitimate demands and requests from the opposition. So we do all that we can on the outside of the process, using whatever powers of persuasion we have with our friends in the opposition and in the government.

Mr. HASTINGS. What do you feel would be the consequences, if the opposition chooses to boycott the parliamentary elections?

Sec. BRYZA. We think that would be unwise, because all Georgians have an opportunity, in the form of these parliamentary elections, to determine their country's political future through a democratic election process. And we see an opportunity for the opposition again to realign the disposition of political forces in the parliament to reflect the will of the voters.

That opportunity will materialize if these electoral reforms under discussion are implemented and if the election truly is free and fair and marks an improvement or a restoration of democratic reform momentum. So, assuming the Georgian government lives up to its longstanding commitment to democratic reform, then the only way forward to strengthen Georgian democracy is for everybody to participate in the democratic parliamentary election.

Mr. HASTINGS. Mr. Secretary, 2 or 3 days after the election, I was personally attacked in the Russian media—at least one of the major news sources in Russia. And you've been personally attacked by Georgian opposition figures who claim, among other things, your friendship with President Saakashvili has colored your handling of the country's political crisis.

I can handle mine. I'm sure you can handle yours. I chose not to respond to them at all, because my friends in Russia—and I have numerous friends there—know that, to the extent that I can reflect the wisdom of experience, one thing I've learned to do is to be fair. And that's as it pertains to Russia, as well as other countries around the world.

Toward that end, how do you respond to those allegations?

Sec. BRYZA. Mr. Chairman, I understand that it's all part of politics, part of an emotional battle that's going on. And I take absolutely no personal offense at all, and I say that my feelings about Georgia span the political spectrum and span any administration.

I recall when I was working on the National Security Council staff, many people were lamenting what would happen when President Shevardnadze's term expired, and oh my God, what will we do, because we have such a personalized relationship with Georgia. And I said at that time what I say today, that our relationship with Georgia is with Georgia. It's with all the people of Georgia.

I have people I deeply respect and consider lifelong friends, sitting here in fact in the opposition, as well as in the government and in civil society in the person of Anna Dolidze and her husband Irakli Kakabadze.

I feel very close to Georgia, regardless of political affiliation. And so our commitment is to the democratic process in Georgia. It is precisely the evolution of democracy in Georgia that elevates Georgia's strategic importance to, well, a point that we're here today talking about it. If all we cared about in Georgia was security cooperation or oil and gas pipelines, we wouldn't be here today.

One last word on Russia, too. We welcome the tone and the substance of President Saakashvili's inaugural address, which had a central theme being reconciliation—reconciliation between the government and the opposition, reconciliation between the government and civil society, which is an urgent need, and reconciliation between Georgia and Russia.

We welcome the talks that ensued during the inauguration weekend, led by Foreign Minister Lavrov and then Foreign Minister Bezhuashvili, to develop a concrete road map to improve Georgian-Russian relations.

We are completely supportive of that, as long as we understand it's in the context of the United States' absolutely unbending support for Georgia's sovereignty, independence and territorial integrity, and for, therefore, a peaceful settlement to its separatist conflicts.

Mr. HASTINGS. Toward that end, that's a very good segue to my last question in this round, and then I'll turn to Congressman Doggett.

But when the President spoke of reconciliation and the desire to improve relations with Russia and then Foreign Minister Lavrov said that Moscow does not necessarily intend to recognize Abkhazia and South Ossetia, regardless of, for example, what happens in Kosovo.

So are there any real grounds to hope for better relations, particularly in light of the fact the referendum of the citizens in Georgia reflected a desire to join NATO, and Russia has been constantly firm against those kinds of situations?

But it's troubling to me. I've spent 15 years now in the Parliamentary Assembly of the OSCE. And on two of the terms, including my presidency, I participated in lengthy discussion regarding Abkhazia and South Ossetia.

And the thing that always bothers me personally about these things is that, no matter the politics, people get hurt. And a lot of the people that get hurt really are not anything other than people that want to get up in the morning and try to scrape through the day and are not going to be making these awesome decisions that our politicians make.

So what real grounds exist for better relations? And I could go on and on. I won't. I'll just leave it there and await your response.

Sec. BRYZA. Thanks, Mr. Chairman. Well, I think, based on my own interactions in Tbilisi over the last couple of months, I think the goodwill is definitely there on the part of the Government of Georgia and the people of Georgia to have a normal and friendly relationship with Russia. Georgians are not inherently anti-Rus-

sian. My God, they've been spending their entire existence living next to each other. And I think that Russians are not inherently anti-Georgian at all.

Mr. HASTINGS. President Putin's mother lives in Georgia. I didn't know that, and Lavrov is Armenian from—

Sec. BRYZA. Interesting. And former Foreign Minister Igor Ivanov's mother also actually resided in the Pankisi Gorge. We could go on for a long time about the cultural, political, all sorts of interconnections between Russia and Georgia, which is a good thing, a positive thing. And we'd like to see that hopefully natural state of affairs resume.

To a certain extent, the ball is in Russia's court, because, as we know, there are existing serious economic sanctions in place against Georgia. The only existing road connection, the Verkhny Lars border crossing, is still closed. We hope it will open soon. There are still bans on the export of Georgian water and wine into Russia. There have been prohibitions on air connections, as well as postal connections. We hope that will soon be a thing of the past.

We understand that to get to that point where these sanctions are gone, there needs to be a give and take negotiation, and we hope that's under way.

But you also raised the conflicts. And we should all be sober when we think about what could happen if people decide to define what happened in Kosovo as a precedent.

I think our friends in Russia, as well as in Georgia and everywhere in the region, understand very well what a complex ethnic and political situation exists in the Caucasus on both sides of the Caucasus Mountains, be that in the South Caucasus regions or countries of Georgia, Azerbaijan, and Armenian, or in Russia's own North Caucasus republics.

I don't need to go into that. I think everybody knows what's happened in the past and the tensions that are brewing now. None of us, none of us, nobody, I think, who cares about peace and stability and freedom in the Caucasus wants to see Kosovo become a precedent. And there's no reason why it should be. There's absolutely no reason why a unique conflict, as every conflict is, in one part of Europe has to be a precedent for a conflict anywhere else with a completely different history, set of participants, international, political, legal precedents. These are absolutely different conflicts, and it's in no one's interests for there to be a precedent.

So what I hope will happen is we'll get through this Kosovo period, and then we will see a serious effort by our friends in Moscow and a continuing, serious effort by our friends in Tbilisi, as well as in Sukhumi, Abkhazia, and in Tskhinvali, South Ossetia, and those regions of Georgia, to accelerate and deepen our efforts to resolve those separatist conflicts in the context of Georgia's internationally recognized borders.

To do that we, of course, need to build on the confidence building measures we've been trying to establish and the economic cooperation we try to foster in South Ossetia and the security measures. We need to get beyond just those confidence building measures and work on the more substantive and crucial problems, which are political settlement that will be lasting and just and the return and

better treatment of refugees and internally displaced persons, which is what you were talking about as well, Mr. Chairman.

Mr. HASTINGS. Thank you very much.

Mr. Doggett?

Mr. DOGGETT. Thank you very much for your testimony and for your service, Mr. Secretary. As you mentioned former President Shevardnadze, I was in Georgia in 2002, and it was against that background of a little over 5 years that I noted such remarkable progress in so many ways in Georgia over the last 5 years.

But it is important that you noted the most unfortunate events of November. As one who has participated in more than a few demonstrations myself, I value the right of people in opposition to government policy to be able to express themselves without the threat of violence.

And I think it is notable that though the United States and Georgia have a close security and other common concerns, that our government spoke out strongly against that unnecessary violent suppression of the opposition at that time.

And my question to you is I saw from a distance a large demonstration the day after the election in Tbilisi, which was handled peacefully. There were much larger demonstrations by the opposition and political rallies during the election process. There have been some since then, all of which appear to have been peaceful in nature.

Do you believe that the government has learned from the experience of November and that a peaceful demonstration will be handled peacefully by the government?

Sec. BRYZA. Congressman, it certainly appears that way. Thank goodness that there has not been a repeat of the November 7th incident. I can also say, from my own conversations with senior officials and the Georgian Government, including that security side of the government, they, too, were shocked at what happened—pained, as well, emotionally and physically.

And they recognized that, again, as I said in my opening statement, a certain threshold had been passed in modern independent Georgia's history, where security services were used against peaceful demonstrators. I don't think anybody, anybody, in Georgia is proud of that—nobody.

I think if you talk to the security people, however, they'd say, "Well, we found ourselves in that situation, and we did what we had to do, and we feel we responded in as responsible a way as possible." You can argue over that. I'm not an expert on that.

I know that force was used—it appears in an excessive way. Serious injuries were caused in some cases. And the Georgian Government found itself in a position it did not wish to be in. And so the key is to keep itself out of that situation. Part of that means different types of responses to peaceful demonstrations, which we're seeing.

But more importantly, I think what it means is to make sure the Georgian Government reconnects with civil society and with the opposition and creates political space, through this election and the pre-election campaign, for everybody to have their voices heard, so that we have a real democratic process.

And if that's what we see, then of course there'll still be peaceful protests. That's part of Georgia's spicy form of democracy. But then it will be incumbent upon all of the leaders of Georgia, whether they're opposition or government, to decide Georgia's political future at the ballot box, rather than on the street.

Mr. DOGGETT. Even as we were there monitoring the elections, there was considerable rumor and discussion that there might be provocation or overreaction on election day. It spoke well of all parties involved, from all of the opposition and from the government, from the election administrators, that with only a few minor exceptions, it appeared to have been a peaceful election day, and these concerns were overblown and over exaggerated.

As to the improvements that you indicate need to be made in order to ensure that these parliamentary elections are an even higher standard compatible with democracy and OSCE standards, what are the main improvements that you would like to see occur?

Sec. BRYZA. No. 1, we hope that, if and when there are significant complaints, that the Central Election Commission finds a way to satisfy more clearly those people who issued their complaints. I heard a lot of complaints—

Mr. DOGGETT. These would be complaints during the election process.

Sec. BRYZA. Yes, complaints about the election process that are raised after the election. Many of the people that I spoke with in the NGO community and in the opposition parties were disappointed that they felt their responses from the Central Election Commission were not substantive or serious. But that's what happens after the election.

To get to a freer and fairer election, I think we just need to look at some of the demands that the opposition has put out, warning that if the demands are not met by the 15th of February, there will be a permanent and large-scale protest.

Some of those demands we don't necessarily agree with, when they focus backward. Again, we'll be adjudicating the legitimacy of President Saakashvili's election. The election's over. He won. And he was inaugurated, and heads of state were there, and heads of governments, and you were there, and I was there. And so it's time to move forward and strengthen Georgian democracy. So how—just to answer your question.

Some of the demands make a lot of sense and have been out there for quite some time. So one would be to increase the political balance on the election commissions, the Central Election Commission and all the election commissions throughout the country, so that the opposition has a stronger voice.

Similarly, there appears to be a reasonable demand out there that the opposition has a stronger voice and has a more balanced board of directors of Georgian public television.

As well, there's been demand for some time on the part of the opposition that the so-called majoritarian system of electing one-third of the parliament be abolished. And it's not exactly a majoritarian system, but it's an interesting system that's in place in some quarters of Europe, whereby for one-third of the seats that are selected in the Georgian parliamentary election, in each district where one-third of those seats are selected, there's a winner take

all situation. So whatever party scores the most votes gets all the mandates from that district.

Why that becomes problematic would be that if one political party—let's say the ruling party—had 51 percent popularity across the country, it's conceivable, in all of those seats where the majoritarian election system would be used, only that party's representatives would be selected, and candidates representing 49 percent of all of the other voters in Georgia would get no seats, according to that system. So there's an understandable demand that that particular procedure be dropped.

And there's been a demand that the threshold for membership in the Georgian parliament be dropped from 7 percent to 5 percent. That's in terms of electoral reform.

But then in terms of process, the obvious and simplistic response is that whatever happened that raised those complaints, be it excessive voter turnout numbers in some regions of Georgia in the Samtskhe-Javaketi region, which is ethnically Armenian, or in the Kvemo Kartli region, which is ethnically Azeri, that there not be concerns possibly about some sort of manipulation, whereby the turnout was larger than could have been expected.

I'm not saying necessarily that something funny happened to drive up the turnout so high, but I am saying there are deep suspicions on the part of the opposition that something like that happened. So we would hope that there would be no cause at all for those sorts of concerns in terms of procedures.

Mr. DOGGETT. Thank you.

Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Secretary.

I can't get this button. I don't get a light. That's why.

Mr. Secretary, I thank you again. I'm not going to go forward with additional questions. I'll submit a few others to you in writing as we progress. And again, I thank you for your service and for your appearance here today.

It's important to the Helsinki Commission that we have persons like yourself, who are directly involved in these negotiations, come before us in public hearings. That way I think it adds credibility to the substance of what it is that we are about in trying to promote democracy. So toward that end, I thank you very much.

And I now invite the Ambassador of Georgia, who I've had an opportunity to meet with, Ambassador Sikharulidze. I get that name mixed up anyway. Vasili—that much I do know—if you would come forward, and we'll take your testimony.

Sec. BRYZA. Thank you so much, Mr. Chairman. It is a huge honor to be here or to receive any inquiry from you. Thank you.

Mr. HASTINGS. Thank you.

Ambassador?

Mr. Ambassador, again, the credentials of the Ambassador are on the table outside, and I won't go into great detail. In the interest of time, we'll go ahead and receive your remarks. You can summarize them, and your full remarks will be accepted into the record, or proceed as you see fit.

**H.E. VASIL SIKHARULIDZE, AMBASSADOR OF GEORGIA TO THE
UNITED STATES**

Amb. SIKHARULIDZE. Thank you. Thank you, Mr. Chairman. I would like to thank Helsinki Commission for organizing this event and this hearing.

First, I would like to personally thank you and Congressman Doggett for participating and for your leadership role of election observer team, OSCE Parliamentary Assembly observer team in Tbilisi.

First, I would like to also thank all of the international non-governmental organizations who took part and participated in the election monitoring process in Georgia in this January. So I may repeat statements already made by you or Secretary Bryza on speaking about these elections and the pre-election issues.

So I would like to begin with several points on the developments leading to the January snap Presidential elections. As you know, Georgia has implemented successful and much applauded economic and government supported [inaudible] formidable growth. Nevertheless, poverty and unemployment still remain major issues, and time is needed for tangible results to be delivered to every Georgian family.

This was one of the main motivating factors of the mass rallies of November 2nd. The leaders of the demonstration came up with four demands, as it was already mentioned, and which we are negotiating in the framework of the standing factional consultative group chaired by Speaker of the Georgian Parliament, Ms. Nino Burjanadze.

Here I would like to note that this and other fora for political dialogue existed before November of last year and are used today as well for meaningful dialogue. Going back to that November events, there were that three out of four original demands met by government, but when the President was about to reach out, the leaders of the rally left the negotiations and came up with the some new demands, setting up the pattern of the constant position notification that can be observed till now.

It has to be noted that the November demonstrations remained peaceful, authorities did not resort to any restraining measures, despite the fact that the permit for the rally had expired for 5 days. When the police attempted to restore traffic on the main avenue, the protest turned violent, and so it had to resort to restore law and order.

It was revealed later and that there were several occasions before, but it was finally revealed later that at the peak of the mass protest a well-planned coup by one of the heavily influential figures was to be executed. This plan was aiming at subversion of constitutional order by using large and unruly number of people and at the same time paralyzing the vital state structure.

So, Georgian Government used necessary and adequate measures that any democratic government would use in order to uphold law and order in the country. Of course, I would agree with Matt, and I have the personal contact with a lot of high officials there, and nobody was happy with this development. But the state acted in a way that it had to.

President made the decision to resolve this political crisis through the most democratic way—elections. He has announced his determination to resign and hold snap Presidential elections on January 5th. The announcement by President Saakashvili was made 2 weeks prior to the actual resignation, offering additional time to the 45 days provided by the Constitution for preparatory containing in preparation for the observers and Central Electoral Commission and voters.

On the elections themselves, I would like to only briefly cite some of the observers' statements, who were there in unprecedented numbers. I would say it was over 1,200 international observers and several tens of thousands of local monitors scrutinized this process in general.

An international election observer mission, including monitors from OSCE Office for Democratic Institutions and Human Rights, OSCE Parliamentary Assembly, parliamentarians from PACE stated that, quoting, "The elections were certainly in line with OSCE and Council of Europe commitments and standards for democratic elections and the national legislation."

Moreover, virtually everybody agreed with the mission assessment that this election was the first genuinely completed Presidential elections, which enabled the Georgian people to state their political choice.

To build consensus of such a move among observers, Georgia NGO's, usually rather critical of the government, said that despite some irregularities on election day, the elections were held without any major violations, and that were really reflecting the will of Georgian people.

At the same time, reports have identified some difficult challenges. And Georgian leadership stands ready to respond to all outstanding issues of electoral system of Georgia. Moreover, President Saakashvili has already invited international organizations, such as the Council of Europe in addressing systemic shortcomings. We also have invited international experts to arbitrate election disputes to make the process even more transparent.

Meanwhile, the new Georgian Government is asked to implement an ambitious program of further economic liberalization. One of the main items of Georgian Government is one improvement of social security system and the reduction of unemployment. NATO integration, peaceful resolution of conflicts, energy security and fighting terrorism remain Georgia's foreign and security policy priorities.

The plebiscite was held in parallel with the elections, which has demonstrated all of the overwhelming support in Georgia for Euro-Atlantic integration. Georgia's leaders will continue dialogue with all political forces to achieve a constructive compromise on all important issues and hope to achieve mutual understanding.

Some opposition leaders have stated that authorities are demonstrating constructive approach to their demands for constitutional and administrative amendments. There are strict and intense negotiations under way to reach mutually acceptable agreements. I have more good news today about reaching agreement on several outstanding issues, and I think that this trend will continue.

Unfortunately, recent developments demonstrated that some political forces view politics as a zero sum game, though this phenomenon certainly is not unique to Georgia, but rather it is characteristic to all young democracies. Some of the political groups have been flirting with the idea of non-recognition of official election results. [Inaudible.]

Interestingly, only a handful of claims have been submitted by approximately 35,000 opposition observers. Those claims have been scrutinized not only by Georgian institutions, but also by foreign and international observers, who concluded that the shortcomings have not affected the outcome of the election.

Nevertheless, the leadership of Georgia stands ready to cooperate with the entire political spectrum to engage them more actively democratic institutions. The President has specifically invited some political parties and individual figures into the cabinet.

The upcoming parliamentary elections, which will be held this Spring 2008, will be an important benchmark for politics in Georgia. Campaign promises to be very interesting and vibrant. And Georgia's leadership is fully committed to holding free and fair parliamentary elections.

So, after all, generally, we re-assert that the Presidential elections had important impact on further strengthening Georgian democracy. The government of Georgia has demonstrated ability to solve a political crisis through a political, democratic means. The process has been turned from the "street politics" back to the political fora, enhancing democratic institutions and ultimately serving the best interests of the Georgian nation.

And I am sure that the new parliament will be reflecting the will of the Georgian people as well, and it will be more vibrant and more politically diverse. This will be a very important political benchmark for Georgia's internal politics.

Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Ambassador.

Ambassador, the Co-Chairman of the Helsinki Commission is Senator Ben Cardin. And while he is not with us today, I have accepted into the record his statement. I'm going to read one paragraph from it and ask for your reaction to that paragraph and have you to know before reading it that fundamentally I thoroughly agree with what my Co-Chairman has reflected.

It's not anything that I feel that is solely directed at Georgia as much as all countries where we assist in development or try to help or need to be mindful of a component that goes with freedom, and that is the rule of law.

"Now, I'm confident," the Senator says, "that Georgians will indeed get through this difficult period and continue their democratic development. In that connection I'd like to stress the importance going forward of an independent judiciary. President Saakashvili has spoken of the need to address poverty and strengthen the role of parliament. But it is critical to create courts that citizens will trust and see as the appropriate forum to redress grievances. With all due respect for freedom of peaceful assembly, when people have faith in the impartial administration of justice, they may not feel to demonstrate in the streets."

And he goes on to say that he's sure the U.S. Government, including Congress, stands ready to assist Georgia in this regard. To lay our bona fides on the table, even though Congressman Doggett didn't know I was going to read from that, both of us in our former professions before coming to Congress were judges. And so I know I'm speaking for him, and I'm speaking for Ben Cardin, who wrote those comments. What's your reaction?

Amb. SIKHARULIDZE. I certainly agree. A judiciary and the general reform of the judiciary is one of the priorities of Georgia's current leadership. Of course, it takes time. It takes a lot of efforts, and it takes a lot of resources to establish this and to conduct important reforms in this sphere, but Georgian leadership is fully committed to these reforms, and they fully understand the need for the independent judiciary.

So last year there was an important and very big package of the legislation introduced in order to assure the independence of judiciary. There are some more step-by-step programs how to improve the independence of judiciary, how to better select the judges, how to include the training for the judges and for the court personnel. So it's a huge package, which should be pursued step by step, and we're fully committed to this judiciary reform.

Mr. HASTINGS. All right. When in Georgia, I heard complaints from different individuals, both publicly and privately, in discussions. And they were complaining about the use of state resources for politically related activities by state employees. I heard that often, Ambassador, and the question, I guess, for you is has the government initiated any kind of investigation to look into the possible abuse of state resources of politically related activity?

Amb. SIKHARULIDZE. I also heard that on several occasions, and I know that was a problem. There were several cases investigated, but no evidence was found that there was the use of state or government resources to force government employees to work in one way or another. Or there were no evidence showing any abuse on the grounds of the political membership or of the political parties. So I have not heard any proven case. In any case, there was no—

Mr. HASTINGS. With all due respect, my question is is there any ongoing investigation being done to make that determination?

Amb. SIKHARULIDZE. There was one. Yes.

Mr. HASTINGS. All right. President Saakashvili has said, and I quote him, "that no one can ignore the opinion of the people who did not vote for us." But given the polarization of the political environment, what are the prospects, Ambassador, of developing any kind of meaningful consensus prior to the parliamentary elections?

And although I know the demands that are on the table are for February 15th, the parliamentary elections are in the spring. So I heard you say that there was some good news that you received today. I'm not asking you to relate that good news, but what are the prospects that a consensus can be formed prior to the parliamentary elections?

Amb. SIKHARULIDZE. There are several very important compromises that have been achieved. First of all, I would like to mention that the threshold for the parties to pass into the parliament has downsized from 7 percent to 5 percent. There were the demands from the opposition to conduct the election of majoritarian,

both regional and nationwide elections, according to proportional system, which means that we had the two election systems.

There was a proportional system and majoritarian system where winner takes all. So therefore, the important compromise was achieved according to the demands of the opposition that would have changed this, the majoritarian system to the proportional system.

There were also negotiations about the composition of the Central Electoral Commission. So the strong belief of the government was that the Central Electoral Commission should be the civil service type of organization without any political representation within.

But as far as they will have some other problems and the demands from the opposition parties, so now the composition is that the six people are elected by parliament, and they are considered to be civil servants. Other six people are representatives of both parties who are represented in the parliament, and one person is nominated by the government. This also is the important compromise.

There are some other issues now under discussion, and maybe one of the most important issues is that our constitution provides that after parliamentary elections, it is not necessary to introduce the new government for approval to the parliament, but to continue as usual after the parliamentary elections.

Therefore, now the discussion is going on and there is the idea to have not only the introducing of the new government after Presidential elections, but also to seek for the support for the cabinet after new parliamentary elections.

So there are some bunch of other issues. We distributed here the recent article by the [inaudible] Monitor, who carefully describes the ongoing process. And we hope that this process will be fruitful, and it will bring the real results, and we look forward that the parliamentary elections will be held in full accordance with—

Mr. HASTINGS. One more question before turning my colleague. Before you left for the inaugural ceremony, you and I met, and I raised the issue with you of the case of Iea Tkuria, and I'm curious. Has there been anything that you can say to me about that?

As you well know, a lot of questions have been raised about that particular trial, and I'm going to continue to ask you about it, and I'm hopeful that at some time I will get responses. I'm not suggesting at all that you're not unwilling. I'm curious. Is there anything new to report on?

Amb. SIKHARULIDZE. Mr. Chairman, I have the court proceedings with me—not here, but at work [inaudible], and I'll be able to send in some examples in this and give you more information on this case.

Mr. HASTINGS. I would appreciate that, because we continuously hear at the Helsinki Commission concerns, and in that regard I will continue to raise them with you.

With that in mind, Congressman Doggett?

Mr. DOGGETT. I think I would just followup on the Chairman's question. I gather what you're telling us is that you're mindful of this February 15th deadline, and the government is involved in serious discussion and attempt to respond to any of the requests of the opposition that it feels are reasonable. And we can expect addi-

tional news in the short term about further government efforts to achieve reconciliation.

Amb. SIKHARULIDZE. Absolutely. Absolutely. The government is fully committed to the political dialogue, and we strongly believe that the entire political process should become within democratic institutions, and the government will do its best to keep it in this way.

Mr. DOGGETT. Thank you very much.

Mr. HASTINGS. Thank you very much.

Ambassador, what's the status of Imedi TV? And will the station be back on the air in advance of the parliamentary elections?

Amb. SIKHARULIDZE. It's a more internal issue of Imedi, because after Ministry of Interior aired some tapes about this plot, most of Imedi journalists refused to continue their work with the current owners.

Mr. HASTINGS. That happened while we were there. A lot of them—

Amb. SIKHARULIDZE. There was that with the current owner of this TV station. And they declared very clearly that if the ownership issue was solved and they would have different owner and different employer, they will be able to continue. Otherwise, they are choosing to quit. Therefore, from our side we would facilitate the process, but it's mostly internal material issue, should this all work.

Mr. HASTINGS. I'm not certain if you spoke to the issue, or if you did speak of it, I didn't understand you, regarding the subject of regional Governors in Georgia. My understanding is they are still appointed by the President. Are there any plans, or can you tell us whether or not there are plans to make the Governors elected positions?

Amb. SIKHARULIDZE. Most of local self governance bodies are elected. I mean not executive branch. There also important issue was how to elect the mayor of these, example. So the electoral system now in the cities are honest and in the regional they are honest. The people elect the city council, and city council elects mayor. This is not the issue of elections, not for now.

But the original ideas for this are still under way, and it should be also discussed within this parliament and the next parliament. So this issue is still one that's—

Mr. HASTINGS. It's a very important issue, Ambassador. The closer you get to the people with people that they elect, the more likely you are to have less friction. I've been in this Congress long enough and observed the region long enough to see Russia retreat from advancement to retrogression. And let me suggest what I'm talking about.

When I first—not the first time I went to Russia, but at some time during my many visits there, what I saw was the developing electoral system at the local level. And then, under the aegis of the President, a lot of that changed.

All I'm saying is even though you may be adversaries, if you want to look at something that shows how they went from good to centralizing power ostensibly in the hands of one person, name him President or name her President or anything you want to name them, there's still power in the hands of one person.

And somewhere along the line if there is a lesson to be learned, I can say to you unequivocally—as I have said, I consider a lot of Russian politicians and people that I’ve gotten to know to be friends, but at the same time, I say to them very firmly, and that’s whether I’m speaking to Prime Minister Lavrov or anyone else—that it doesn’t make good sense to have taken away the power from the people and then say that you are providing for a democratic system.

I just offer that as an observation. I don’t need a reaction. But I do thank you. And if you would stay and have any additional comments after our next witness, you are welcome to do so. And thank you again, Ambassador, very much for your appearance.

Amb. SIKHARULIDZE. Thank you.

Mr. HASTINGS. I’d like to ask the former Foreign Minister, who I’m sure you know, to come up with us—Salomé Zurabishvili. Ms. Zurabishvili is now opposition leader and head of Georgia’s Way party. And you are free, ma’am, to go forward with any observations you would like at this time.

**SALOMÉ ZURABISHVILI, FORMER FOREIGN MINISTER OF
GEORGIA**

Ms. ZURABISHVILI. Mr. Chairman, distinguished members of the Commission, ladies and gentlemen, first of all thank you very much for inviting me to testify in front of this Commission and to testify on the situation of Georgia at the juncture of time which is indeed crucial for Georgia.

I also have a written statement that I will submit to you for the record.

I think it is a time that is crucial for Georgia, because indeed what we have listened was a little bit the benign presentation of the situation in Georgia.

And I can understand that for some looking from across the Atlantic to the Georgian situation, it might look, and we will all want to look at the situation that way, that there was a big social crisis that came out of economic reforms, led to a reaction from the Georgian President that led to timely elections.

Those were not perfect, but democracy is never perfect, and next parliamentary elections will certainly be better and counterbalance all of that. More than anybody else, I would like to believe that that is the situation in Georgia and that our road is leading us toward democracy. But there are some hard questions to which I will try to answer and a number of facts that we have to face.

First of all, what explains that between September 28th and today the Georgian population had to come out more than 11 times to make its voice heard and that those demonstrations were all between 100,000 and 200,000—and we don’t want to quarrel with numbers, because everybody has its own numbers—but there were significant protests for a small country like Georgia.

What explains that all of these demonstrations were absolutely peaceful? Not a single car was burned at any of those demonstrations. No evidence was brought of any weapons carried by any demonstrator. All of those demonstrations were fully authorized and within the legal framework.

What explains 7th of November, if it was so easy to call for parliamentary elections after all? We were told at that time that it was impossible to have parliamentary elections, that the country was almost at war. Those were the words of Ms. Burjanadze, leader of the majority party in the parliament.

What explains the five repressions, crackdowns that we had on that day on November 7th? What explains the crackdown on Imedi television and that was part of the five repressions and that was there on the morning of the 7th of November, together with a dozen of people that were hunger strikers, and there as no evidence of violence or of things getting out of hand?

At Imedi the channel was closed down by Spetznaz during the first operation, and there was a second operation with about 2,000 soldiers that came to invade the television for no reason that I can understand.

No threat was ever documented, whether the Russian spy, supposedly, plot or the overthrow plots. If any called for overthrow of the government, those were the people that were standing in front of the parliament in November 2003, not the opposition that were standing in front of the parliament in November 2007.

A number of facts. First of all, it's not the social crisis that got the people of Georgia out on the streets, but rather injustice, deception, rejection—rejection of the regime that has failed to deliver on the promises of the Rose Revolution that was made by the Georgian population and which carried a lot of hopes. And all the people that are today in the opposition were part of the Rose Revolution. I was a latecomer, as you know, but I was also part of this host.

None of these demonstrators that were doing this mass protest had expressed social requests or economic requests. It's clear that in the background of this protest there is this very difficult social and economic situation that is today's Georgia. But basically, those were anti-Saakashvili protests on the background of the multifold and very deep crisis that we had been signaling to the international community for some time, saying that Georgia was not as rosy as it looked.

And this crisis is a crisis of democracy, of the lack of an independent judiciary system. And that may be the crux of the matter, and that is over everything else—economy, the lack of guarantee for private property. If you cannot go to tribunal and have your private property that is being confiscated or destroyed and you cannot be defended in front of the tribunal, then where else will you go but on the streets?

What happens to that judiciary system when reforms were mentioned by the Ambassador? And I don't want to engage in polemics, but just to mention that among these reforms there is a school of justice and that it's headed today by the brother of President Saakashvili. So maybe it's not the very core independence for the next judiciary and the next judges that will be brought up in this school.

Local elections failed us, because they were in the system that was mentioned. The winner takes all. It was first applied in the local elections, and as a result, the opposition is not represented at the local level, and there is no more self-government in Georgia today.

And the Governors are designated by the President, and the Governors played a very heavy-handed role during the last election, especially in a province like Mingrelia, where the Governor is known as being quite heavy-handed and is in that supported by the local police and local police efficiency.

So the crisis was also a crisis of [inaudible], of not finding that the government was responding to those demands from the population for more justice and more democracy. And there was no dialogue.

And there was even a policy established by the government to say, "Well, we're not going to debate with the opposition for a year and a half." That was the official policy, and they were followed, because "We are the matter. We know what we're doing, and we do not need to debate with the opposition." That's the way the opposition was treated and that part of the crisis that we got.

Now, the opposition and the streets. It must be clear that it's not the opposition that has thrown people on the streets. It is a crisis that has thrown people on the streets. And if anything, it is the streets and the people on the streets that have pushed the opposition to unite itself and to express its demands in a very clear form.

And those demands were and remain and have been all the time nothing but get parliamentary elections, because that's the only way we know, and I think that's the only way any democratic country knows, for getting out of a crisis. It was not a request for the sake of the request. It was to have those parliamentary elections when time was due.

It's to be regretted that at the time nobody supported the opposition in its request to hold those parliamentary elections when they were due and to say that no parliament should ever extend its mandate, whatever the form of the extension and whatever the form of the vote.

So today the opposition is very much linked to the population and is the way of expression of the demands of the population, but it's in fact holding back the population that is today, after the elections, much more polarized, much more radical than it was before the Presidential elections.

And the reason for that is that in fact Georgian leadership did not accede to the demand for elections. It's that the President flatly refused on the evening of November 2nd the call for parliamentary elections and refused any discussion on that matter.

And when he accepted finally to hold elections, he turned around the elections and offered a very different type of election—Presidential elections to an opposition that was united on the call for moving to a more parliamentary regime, because Presidential system has not made it very clear to the Georgian people that it's the best system for Georgia.

So he called the role of elections. He called it at the wrong time, not giving the opposition much time to prepare, within the wrong context, because that followed a state of emergency and political questions that lasted much longer after November 7th than the state of emergency. And we are even today striving to get people out of jail that have been arrested on the wake of November 7th.

But clearly, the opposition could not refuse those Presidential elections, because it would not be possible to explain to the people

why calling for elections, then you suddenly refuse another type of election.

So we went into this electoral campaign in a very unbalanced fashion, where there was a lot of manipulation, lots of use of administrative resources, of financial resources overboard. So much money was spent in a poor Georgia, because that's the slogan of the President to get Georgia out of poverty. Then how come he spends about \$500 million for his campaign?

And, of course, we had frauds. There is discussion on the extent of the frauds, on the number of votes that were fraudulent. But it's the inner conviction of the Georgian population that a second round was due and that the second round was taken away from them. And in fact true parliamentary elections—they are now eager to get a different way, the second tour. And that's what the opposition is clearly about to try to get and try to get for the population.

Finally, fair and democratic elections, transparent elections. That can in this country provide what we have been wanting from the very beginning to do, which is to offer the possibility to get utterance through elections and not through revolutions or streets, like it was the case in the 90s or it was the case in 2003.

For that, we need to restore confidence of the public in elections, and that is the major challenge that we face. We're together for that with the government, and we're conscious of the fact that we have to get to that through dialogue and to get the demands that we have presented that are all very legitimate and all very democratic.

And they all aim to one thing: to convince not only us, because we're not the major part in that, but to convince the public opinion of Georgia, the voters, to go back to elections, those voters that went to take the major risks, not us, because we are the political leaders and figures, and we, after all, do not take very, very big risks.

But the people in the regions, those that are under direct pressure from the local authorities, those are the ones that are once again to go and take the same risks for elections, where they are not sure whether we can defend their votes, whether we can defend their physical integrity, whether we can defend them in front of tribunals, who have not considered any of the complaints that we have presented to them after the elections.

So we want to restore confidence in elections, in justice and in democracy through those very clear and concrete requests.

Central Electoral Commission—we have to have parity, and parity is not only six to six. That's not enough. We have to have a chairman that is either completely independent and acceptable by both sides, or we have to have a sharing of the chairmen of the different local commissions and district commissions.

And we have to agree on the person of the chairman of the Central Electoral Commission. That was at the center of the things that were contested by the population and by the opposition. And that, if we can agree, has to be an independent person in Georgia. If we cannot agree, it could be somebody from a foreign country, a friendly country that would accept to be that independent person. But it's clear that we need to have as the head of the central elec-

toral commission somebody that is trusted by the whole Georgian population.

Media—we need some access to media. Nobody, I think, in the world could pretend that elections were free and fair when they were prepared in a situation where there was no free media in Georgia, no free access to television. There were six programmatic channels in different forms, the public channel and the private, but owned by members of the Government of Georgia, no Imedi, except for 15 days.

Mr. HASTINGS. If I could just stop you on that point. While I was there, I saw a person in the opposition on television——

Ms. ZURABISHVILI. On television.

Mr. HASTINGS [continuing]. Claiming that he had no access. I found that strange.

Ms. ZURABISHVILI. We had access to the television, and even in time counts it was sometimes balanced, but the comments and the context in which we were presented on television is what makes partiality and objectivity doubtful. And we need a public channel that is controlled by an advisory board that is also filled in terms of parity. That's all we are asking. It's that public channel.

And we know we cannot control the others, except if the Niznik Commission is reactivated and becomes more active. But the public channel that is paid by taxpayers' money should be a mother of objectivity, which it has not been able to do.

And by the way, no compromat films showing leaders of the opposition being Russian spies should be shown on television during the electoral campaign, especially when the government after that comes and says to us that after all that was a mistake on their part, and there is nothing much to complain.

The third and major problem that we'll have to deal for these next elections is how to end political intimidation and how to install freedom from here, especially again in the regions which are the most sensitive places in Georgia.

How do we prevent arrest atrocities presents us a special operation police forces operations, and that was myself testimony to that in the district of Sanghori [inaudible]. Six [inaudible] officers were at the entrance of the precinct, and when I asked them to leave, they told me that they were in charge of the public order on the streets and the state.

So we need reorganization of special police forces, and more than that humanitarian council to investigate and to report eventual new violations. And no investigation has been carried out on either 7th of November repressions, excessive use of force, or on any of the complaints toward police forces during the pre-electoral campaign or the election date.

We need to show that through the dialogue with the authority, but that means that we have a fair dialogue there, not dialogue for dialogue. The dialogue should not be an occasion for the authorities the next day to come out and say that they were discussing with leaders of the opposition the eventual jobs in the cabinet ministers forum, because that's a way to discredit the opposition in front of its own public opinion.

We were not talking about that. We are talking only about the next elections and how to make them credible for the Georgian public opinion.

And the concessions have to be real concessions, not the 5 percent barrier that for a long time has not been one of the requests of the opposition, especially if that opposition is going to go as a bloc, and not the winner takes all, which is a request of the opposition, but is not a major request, because today that system turns to the disadvantage of the old majority, and the majority knows it. So it's something that we all consider as to the more democratic proportional system, and not a concession to the opposition.

What we really need is serious concessions on the three major points I just mentioned—the electoral administration, the media and the political intimidation. And the opposition and the leadership have no other alternative, because we all have to convince people to go to these elections and that those elections are going to be the solution to the crisis.

For that, we need the support of Georgia's partners and friends, because at stake are not just better elections or a step forward in democracy. At stake is Georgia's stability and Georgia's democracy.

Those 3 months will be crucial. The opposition will have to use all the instruments it has, and it doesn't have much. It has basically its own voice in the dialogue, if that is efficient. And it has the streets. And it will use the streets, if it's needed, in a peaceful way, in a legal way, as it has done so up till now, because that's all we are left to.

The opposition, as you know, is represented in the parliament, but for the past 4 years no amendment of the opposition has ever been considered and adopted in the parliament. So that doesn't leave much for us in the parliament.

We also need, and I will finish with that, a new policy toward Georgia from our friends, one that is more clearly not personal and to the Georgian people, because democracy in Georgia is to be put to the credit not of its leadership, not of a group of people, but of the Georgian population.

It has been a long quest for Georgia that started in 1918, a quest for democracy, for freedom and for independence, for which Georgian population has come out on the streets, has taken risks over and over again during the Soviet period, and again at the end of the Soviet regime. So it's really the Georgian population that deserves credit and support for continuing of the democratic path.

We need effective and constant and public pressure on the authorities to deliver whatever is needed to make those elections credible for the population. We need NATO, and we need a map, and we need a very conditional map, and I would argue in favor of Bucharest, if that is still possible, despite November 7th. And Georgian opposition is ready to support that together with me today.

We should go toward a map for Georgia, but that map should be made conditional to democratic achievement, to the profit of privatization that is going on in Georgia and that should be made transparent, and not only to the benefit of Russia. And that is a very major concern for the Georgian opposition.

And finally and to conclude, I want to say that I'm not an anti-Saakashvili radical. As you know, I paid a very high price to my belief, if not in Saakashvili, at least a belief that we were going to create and to build democracy in Georgia when I came to join his government.

But having been raised and lived for 50 years in a European democracy, I can recognize democracy when I see it. And I can tell you that today Georgia not only is not a democracy, but is not any longer moving in that direction. And the last chance that we have are the next parliamentary elections.

And I think that we all have a stake—we inside the democratic opposition, because we are a democratic opposition. Nobody should be able to disregard this opposition and talk about it with terms like Russian agents or people that want to overthrow or to start plotting against any regime. We do not deserve that.

And this democratic opposition knows very well that what is at stake for Georgia is its stability, its future, and we are responsible for that in front of our population.

Thank you very much.

Mr. HASTINGS. Thank you very much. On January 29th, the opposition put forward their 17 demands that the government must need to avoid a new round of protests. Where does that process stand now? And an even more pertinent question, I guess, is how many of these demands have been met to your satisfaction?

Ms. ZURABISHVILI. For the time being, none. The dialogue is going on. The only concessions were those mentioned by the Ambassador that do not exactly represent any of the demands that were presented, except the winner takes all system changed for a proportional. But that is not directly the conditions that we need to convince the population that those elections are going to be free and fair.

We still do not have a date for the election, which is again not among the 17 demands, but it's part of what is needed to prepare for those elections.

We on our side were going, I think, today to present a prioritized view of those 17 demands, so it's clear what is more important and what is really essential to guarantee for the next parliamentary elections to be credible to the population.

Again, we are the ones that have to go to our voters and to the population and tell us, "Come with us for the next elections." And we are to be convincing, so we have to be convinced that it's going to be a fair election. So we are really deep in that matter.

The fact that the dialogue has not yet given results doesn't mean that we're giving up on the dialogue. We're continuing. We know that NDI is also going to organize a more concrete dialogue of the issues of the electoral code, and that's very much appreciated. And we'll be in all of these dialogues, as long as we have a hope for getting results.

Mr. HASTINGS. Well, when President Saakashvili included some well-known NGO figures in his new government, he also offered some opposition members some positions. Do you discount that—don't consider it serious gestures at all?

Ms. ZURABISHVILI. Not at all. It's impossible to accept something that would have been a compromise for the whole opposition, when the population considers that the elections were fraudulent.

And we are dependent on our population to get elected at the next parliamentary election and that what matters is we are not going for a 3-month job to take the proposals that are made, because that would have been immediately interpreted, and it was already interpreted, by the population as we doing our own business with the government and trying to get seats and jobs for ourselves, not caring about delivering to the population whatever they were fighting for.

Mr. HASTINGS. So then on January 5th, the opposition feels that the elections were fraudulent. Some members of the opposition seem to have concluded that no matter the results of that election, that they weren't going to accept it. I was personal witness to that. I'm not talking about something I'm thinking about or that I read about.

I saw people come before the whole of the mission that I led that said that they didn't care—and not their exact words; let me make that very clear—but their position was that this election could not be a good election, and therefore, they were not going to accept it.

I'm having trouble coming to an understanding of that kind of reaction. And I understand, being in the opposition—I've been in the opposition pretty much all of my life, so I certainly understand that—but how is it that, for example. This isn't about me, but just as a for example.

I was a lead observer in Ukraine, in Azerbaijan, in Belarus, and other places as either the lead observer or one of the key players in election observation, including Russia. And in that regard, I met with oh so many election observers as I did in Georgia.

In all of my election observation, I've not seen that many, and I'm not talking about on one occasion. If you were thinking Ukraine, if you just take the size of it alone, there would have been the thousands of election observers. Well, there were not. There were a lot, but nothing by comparison.

So at least on election day—I might add we had an election here yesterday—and one of the complaints I heard in Georgia from the opposition was that the polling places didn't open on time, and I said, "Hello? Have you been to my country lately?" Yesterday here in this great democracy there were polling places that didn't open as many as 4 hours.

I heard from the opposition, for example, that there were long lines. Well, I think long lines are meaning that there is a lot of interest, and not so much whether the process. I didn't hear from the people that were in the long lines that they didn't get to vote. And therein lies part of the problem.

Now, I understand the process argument about the electoral commission, and those are arguments. But how do you put to rest the fact that a lot of people that really don't—nothing that I gain me from calling an election good or bad. It does nothing for me. I'm not in business. I'm older and don't anticipate being in business. I don't want to be no Ambassador or nothing. Do you understand? So why would I come to Georgia to say in the face of the people that this

was—at least on that day it met the standards that are set forth in the Organization for Security and Cooperation in Europe?

Ms. ZURABISHVILI. Well, that's exactly what we do not discuss. On that day the elections were pretty much in line with basic standards, although there was an activity [inaudible] that could be seen by the fact that all the buses and minibuses were hired by the national party and were outside of the precinct.

But that cannot be proven, and there is no way a foreign observer, or a Georgian observer, for that matter, nothing that it can do to prove it, unless you find a person and you can prove that he's holding an ID that is not his personal ID, which is very difficult.

But what we were contesting were the pre-electoral conditions and what happened after 8 o'clock that night, exactly because in fact Saakashvili didn't win the first round, and they discovered that at 8 o'clock because of the turnout of the population. And there we had to prove that we're not planned, because especially of Georgian elections—and I wrote a small booklet on the local elections, which were very close to what should have happened for the Presidential elections, which is legal manipulation of the pre-election campaign and fairly quiet election day.

But then it was not enough, and it didn't pay off, and the president didn't get his majority, and that's why they had to start the massive probes of that night, which caused delays. And that was not observed, because it's not the process. And I think that we should review that when we are talking about next observations and probably try to adapt it and to adjust to the situation.

Many problems that we had were during that night. I called myself the head of the OSCE mission, Ambassador Boden. At 3 o'clock I woke him up, because we were called by commission members from regions, telling us we have finished counting for a long time, and we are not allowed to sign. We are awaiting instructions from the Central Electoral Commission.

In other places people were forced to sign under police forces that got into the precinct. For instance, in Mingrelia I mentioned the Governor there and the police forces that are very effective.

So we won't be able to change all of that. We know that. But what we have to know also that there were 4,500 precincts in which there were many Georgian observers as well and Georgian members of the commission, and it is the conviction of the Georgian population today that Saakashvili was not elected. And that is not something that we can change or that any international observation will be able to change. We have to deal with that reality.

And it's our task as an opposition to take that reality, but at the same time to prepare the Georgian population for the next election and convince them that it's not going to be the same next time.

Mr. HASTINGS. I just want to correct one thing for you. Ambassador Boden was the head of the mission for ODIHR observers. I was head of the mission, and that's not an important pride, but I just wanted to tell you you didn't wake me up at 3 o'clock.

Ms. ZURABISHVILI. I hope next time I will be able to wake you up.

Mr. HASTINGS. I hope there is a next time.

Ms. ZURABISHVILI. I hope there is a next time, too, and I think that whole of Georgia hopes there is a next time.

Mr. HASTINGS. Exactly. And one way to get there is for people to sit down and talk. And it takes time. You know I was asked once by a reporter did I think that it was fair that districts were drawn so that black people could be elected in the State of Florida.

When I was elected in 1992, there had been 123 years that had taken place before any Black person had had an opportunity to be elected. That's a long time. And so I said, "Yes." And he said, "You mean it was fair for them to draw districts that would include you." And I said, "Yes, just like they drew them to exclude me for 123 years."

So it would be my hope that the opposition and the government understand that in dialogue and in time that you find agreement, rather than to put yourself in the position of in every instance deciding that you will not participate.

I personally feel that the opposition benefits more by participating in the parliamentary elections than by boycotting them. I'm not talking about street demonstrations, and let me tell you why. That gives me, when I am talking with the Ambassador or when I'm talking with Matt Bryza or anybody else from the perspective of American dollars being utilized to try to promote democracy in Georgia or anywhere else in the world, that gives me a greater hook, Madam Minister, to be able to say to them point blank. And I would say to the Ambassador, and I would say it to him,

I read, while I was in Georgia, some of the formation of Georgia, stuff that I didn't know about. I had time to do that. And there was a time in Georgia when pretty much every segment of Georgian society was in the legislature. You know something? That time ought to resume. And I don't care. You can tell President Saakashvili and you can tell the opposition that some of us feel that everybody has a right to participate.

And I guess that's basically what it boils down to. And toward that end, I think you're getting there, and I would hope that it's done in a completely civil manner.

My time is spent, and I appreciate you so very much. And I'm constrained to give up the room in a few minutes, so I'm going to stop right there.

Ms. ZURABISHVILI. Thank you very much for the very long time you gave me.

Mr. HASTINGS. Thank you.

Ms. ZURABISHVILI. Thank you.

Mr. HASTINGS. OK. Thank you all.

Ladies and gentlemen, that concludes our hearing.

[Whereupon, at 4:25 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Ladies and gentlemen, welcome to this hearing. Georgia has been very much in the news lately and may remain in the headlines for some time, so the reason for this hearing is obvious. We hope to examine today where we all stand after the events of the last few months, during which Georgia has experienced quite a lot of history.

I am sure everyone here is familiar with the chronology that led to Georgia's snap election last month. President Mikheil Saakashvili resigned in November, after riot troops in Tbilisi violently dispersed demonstrators, who, he claimed, were planning a coup at Moscow's behest. The crackdown, including the closing of the country's most popular television station, drew international criticism. Mr. Saakashvili then called for new elections, along with referenda on the timing of parliamentary elections and support for Georgia's eventual entry into NATO. Tbilisi invited observers from all over the world to monitor the process.

I was appointed to lead the international observation mission for the OSCE by Foreign Ministers Miguel Angel Moratinos of Spain and Ilkka Kanerva of Finland. The OSCE observer mission comprised the OSCE Parliamentary Assembly, the ODIHR, the Parliamentary Assembly of the Council of Europe and the European Parliament.

In Tbilisi, we met with candidates, including the opposition. We also met with Nino Burjanadze, the Speaker of Parliament who was then the Acting President.

On the basis of all the information we received, as well as monitoring the balloting and vote-counting in many precincts, we concluded that while there were significant challenges that needed to be urgently addressed, Georgia's election largely met OSCE standards. On January 6, we announced our conclusions to the world.

According to Georgia's Central Election Commission, Mikheil Saakashvili was re-elected President with over 53 percent of the vote, thus avoiding a runoff. That result has been officially ratified and Mikheil Saakashvili was inaugurated on January 20.

Now, I am well aware that many Georgian opposition leaders reject the official results. They do not recognize Mikheil Saakashvili as President. They may well believe that the international observation mission was wrong, did its work badly or was pursuing even less savory goals.

But I would like to affirm here that I stand behind the conclusions the OSCE observers reached in Tbilisi on January 5-6. We had no ulterior motives or an agenda dictated by any government; we called the election as we saw it.

Still, questions have been raised by NGOs and subsequent reports, among others by the ODIHR. This hearing will provide a venue to air some of those concerns.

Moreover, reconciliation has not been achieved in Georgia. Opposition leaders last week put forward a list of demands, including a recount of the ballots, equal representation on election commissions and guarantees of media freedom. They say that if these demands are not met, they will launch a “permanent” street protest starting February 15 and will boycott parliamentary elections scheduled for this spring.

So, once again, we face uncertainty in Georgia. Will we see an electoral approach to the resolution of political conflict or a protracted period of street politics?

I hope that Georgians can find a way to bridge their differences. It would be deeply regrettable if uncertainty turns into instability. I see the upcoming parliamentary election as an opportunity to redress some of the grievances that have accumulated in Georgia over the last few years. There is every reason to believe that opposition parties have a good chance to win many seats in parliament, perhaps even a majority. For that reason, I strongly urge them not to boycott the election but to participate and campaign more actively than never before.

But ultimately, it is for the Georgian people to decide how they want to pursue the development of democracy and integration into Western institutions—clearly, important goals for Georgia’s population.

Our three witnesses, representing the U.S. Government, the Georgian Government and the Georgian opposition, will give us critical perspectives on these issues. We have also asked the National Democratic Institute [NDI] and the International Republican Institute [IRI], which both fielded high-level prominent observer delegations, to submit statements for the record. Freedom House has also sent us materials.

I am not going to provide a detailed biography of our witnesses. Their impressive resumes can be found on our website.

We will begin with Matthew Bryza, the Deputy Assistant Secretary of State for Europe and Eurasia.

Afterwards, we will hear from Vasili Sikhuralidze, Georgia’s Ambassador to the United States.

Our third witness is Salome Zurbishvili, Georgia’s former Foreign Minister and now the leader of the opposition party “Georgia’s Way.”

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. Chairman, I applaud you for convening this very important hearing. As everyone knows, the situation in Georgia remains tense. Opposition leaders are planning to begin a protest next week in Tbilisi, a city where demonstrations can have far-reaching political consequences.

The violence of last November came as a shock to Georgia-watchers all over the world.

In reflecting on recent events, I am struck by the thought that in the late 1990s and early years of this decade, Georgia was frequently in crisis. In the last few years, however, we had grown accustomed to a certain predictability. I hope Georgia is not reverting to old patterns.

It is essential in such times to maintain open lines of communication. That is only one reason I would like to take this opportunity to commend my friend and colleague Nino Burjanadze, Speaker of Georgia's Parliament. She is well known to many of us in the U.S. Delegation to the OSCE Parliamentary Assembly. I am pleased to see that she, while Speaker and Acting President, sought to foster an atmosphere of calm in a very heated political environment and was able to hold productive discussions with opposition representatives.

I am confident that Georgians will, indeed, get through this difficult period and continue their democratic development. In that connection, I would like to stress the importance going forward of an independent judiciary. President Saakashvili has spoken of the need to address poverty and strengthen the role of parliament but it is critical to create courts that citizens will trust and see as the appropriate forum to redress grievances. With all due respect for freedom of peaceful assembly, if people have faith in the impartial administration of justice, they may not feel the need to demonstrate in the streets. I am sure the U.S. Government, including Congress, stands ready to assist Georgia in this regard.

Mr. Chairman, I look forward to hearing the testimony of our witnesses.

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,
RANKING MEMBER, COMMISSION ON SECURITY AND CO-
OPERATION IN EUROPE**

Mr. Chairman, this hearing is particularly timely given developments in Georgia, a country with tremendous potential. Indeed, Georgia is a country which this Commission has followed closely over the years, particularly given pressures placed on it by other countries, particularly Russia. I and other Members of the U.S. Delegation to the OSCE Parliamentary Assembly have often worked with Georgian colleagues, especially Speaker Nino Burjanadze, to pursue common initiatives, including in the area of human trafficking. I also would like to applaud Ms. Burjanadze for the constructive role she has played in the drama of the last few months.

I have followed these events closely. The violent crackdown on demonstrators last November was quite unexpected, especially considering the peaceful course of the 2003 Rose Revolution and the fact that the protest was apparently winding down when the confrontation began.

President Saakashvili has said a key aim of his second term will be to address persistent widespread poverty. That policy priority makes sense. Most Georgians have not benefited from the country's impressive economic advances over the last few years. Focusing on the poor is a good way for President Saakashvili to spread the gains of market reforms. Still, for the first time since 2003, a significant bloc of opposition leaders rejects the legitimacy of Georgia's head of state. A new round of protests may begin next week, according to reports this morning.

I hope, however, despite the occasionally red-hot rhetoric in Georgia, that a common language and consensus can be found. I would much prefer to see all sides engaging in a hard-fought campaign for the upcoming parliamentary election than standing toe-to-toe on Tbilisi's main square. I urge the Government of Georgia to make the electoral reforms called for by the international observation mission to ensure confidence in the upcoming parliamentary elections.

PREPARED STATEMENT OF HON. SAM BROWNBACK, RANKING MEMBER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. Chairman, I am pleased that the Commission has convened this hearing to look at the state of affairs in a key country which is closely allied to the United States. Though geographically small, Georgia has disproportionate strategic significance.

I have followed Georgia for years and have traveled there several [numerous?] times. I welcomed the Rose Revolution in 2003 and the Orange and Tulip Revolutions which followed in Ukraine and Kyrgyzstan in 2004 and 2005. I regret that political tensions which had accumulated in Georgia since 2003 found expression in the violent confrontations of last November. It is my sincere hope that whatever differences exist between the Georgian government and opposition can be bridged by a spirit of compromise and goodwill.

Reconciliation and accord are essential not only for Georgia's democracy and institutional development but also for its security. Georgia has been under severe Russian pressure for years and Russian-Georgian ties have accordingly been quite strained. Last year, Moscow imposed a virtual economic embargo on Georgia, barring access to Russian markets for such products as Georgian wine and mineral water.

Nevertheless, President Saakashvili has emphasized his desire to work for better relations with Russia. I welcome recent indications from Russian officials that whatever happens in Kosovo, Moscow does not necessarily plan to recognize Abkhazia and South Ossetia. I hope that Foreign Minister Lavrov, who attended President Saakashvili's inauguration on January 20, follows through with serious initiatives to improve the bilateral Russian-Georgian relationship.

At the same time, I want to firmly state my support for Georgia's NATO ambitions. I believe that NATO enlargement must proceed and that the inclusion of a strategically important country in the Caucasus offers clear benefits to U.S. security, without threatening Russia. Accordingly, I hope the upcoming NATO Summit in Bucharest in April offers a Membership Action Plan to Georgia and Ukraine as well.

I look forward to the testimony of our witnesses.

**PREPARED STATEMENT OF HON. LLOYD DOGGETT (D-25) A
MEMBER OF CONGRESS FROM THE STATE OF TEXAS**

I want to thank my colleague, Chairman Alcee Hastings for holding this important hearing on the January 5 Presidential elections in the Republic of Georgia and its ramifications moving forward.

Last month, I had the opportunity to travel with Chairman Hastings to Georgia, to observe the presidential elections on behalf of the Organization for Security and Cooperation in Europe (OSCE).

It was there that Chairman Hastings and I, along with other delegations of OSCE monitors, ultimately determined the elections in essence corresponded to OSCE standards but at the same time concluded that the future holds immense challenges for this young democracy.

As an observer in the town of Gori, the birthplace of the Soviet dictator Joseph Stalin, I found it quite remarkable to see Georgians turning out to vote against the backdrop of one of the last standing statues of Stalin in the former Soviet Union. This was clearly the first genuinely competitive presidential election in Georgian history, allowing Georgians to express their political choice freely.

This spring Georgians will hold parliamentary elections, which are an important opportunity for political reconciliation. During this time, it is critical that the government address the election's shortcomings, act on recommendations of international observers, and try to find common ground with the opposition—a tall hill to climb, but one that is central to Georgia's future.

The United States can and must play a role in helping the Georgian people build on their country's democratic gains and assist in the consolidation of democracy as Georgia faces challenges within its borders and beyond. We were told that in Georgia, "if it is worth saying at all, it is worth exaggerating." It is no exaggeration to say that if Georgia can remain on this path, it can become a stable democracy deriving its "just powers from the consent of the governed."

In closing, I would like to recognize the hard work and dedication of Chairman Hastings, who leads the U.S. Helsinki Commission. Chairman Hastings and Members of the Commission continue the fight for the advancement of human rights and democratic principles—work which unfortunately goes virtually unnoticed by many in Congress.

Mr. Chairman, let me also remark on the work of your exceptional staff. As you know, three of them were with us in Georgia and helped me, personally, before, during, and after our time there.

Thank you again Mr. Chairman for allowing me to participate in today's hearing, I look forward to hearing from our distinguished panel of witnesses.

PREPARED STATEMENT OF MATTHEW BRYZA, DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPE AND EURASIA, DEPARTMENT OF STATE

Thank you, Chairman Hastings and Members of the Commission, for organizing today's hearing. I am honored to be with you today. We respect and appreciate the Commission's sustained commitment to human rights and democracy across Europe, and are grateful to you, Mr. Chairman, for your leadership and collaboration in support of democracy in Georgia. We welcome this opportunity to discuss with you the recent elections in Georgia and their ramifications for Georgia, U.S.-Georgian relations, and prospects for Georgia joining NATO.

I sit before you today with friends on either side, Ambassador Sikharulidze and former Foreign Minister and opposition leader Salome Zourabichvili. We have known one another for many years, and I have great respect for the public service of the other two distinguished witnesses appearing today.

The U.S.—Georgian partnership is firmly rooted in our common strategic interests and shared values. Following Georgia's independence in 1991, the United States and Georgia forged a partnership rooted in our realpolitik interests in energy (as we worked together with Azerbaijan and Turkey to develop a network of oil and gas pipelines linking the Caspian Sea with European markets), and security (with expanded counterterrorism cooperation after September 11 and sustained U.S. support for peaceful settlement of Georgia's separatist conflicts in Abkhazia and South Ossetia within a unified Georgia). The Rose Revolution of November 2003 cleared the way to expand our cooperation into the realm of our shared values of political and economic freedom.

The Georgian Government's pursuit of groundbreaking political and economic reforms following the Rose Revolution has elevated Georgia's strategic importance. Georgia has now transformed itself from a failing state in economic collapse to an emerging democracy with a market economy, advancing political and economic freedom at the strategic nexus of NATO, Russia, Iran, and Central Asia, and in the borderlands of the broader Middle East. Our shared values of democracy, justice, and human rights in Georgia are thus also a strategic interest of the United States. Today, the United States is working with Georgia to help it firmly establish democratic institutions and provide prosperity and peace to its people. We believe these goals will draw nearer as Georgia moves ever closer to NATO membership. We strongly support Georgia's independence, sovereignty, and territorial integrity within its internationally recognized borders.

U.S.-Georgia cooperation has achieved important advances in our common interests and shared values, especially since the 2003 Rose Revolution.

- On energy, the Baku-Supsa and Baku-Tbilisi-Ceyhan oil pipelines are now operating across Georgia, providing oil producers in the Caspian Basin direct access to global markets for the first time, free from geographic chokepoints and monopoly pressures. The South Caucasus gas pipeline can now deliver natural gas from Azerbaijan to Greece and the EU-15, helping Georgia and the rest of Europe diversify sources of natural gas supply even as Gazprom

attempts to bolster its monopoly leverage. Four years ago, Georgia suffered power blackouts throughout winter and was unable to pay for the natural gas it purchased from Russia. Today, Georgia enjoys power 24 hours a day, 365 days a year, with consumers purchasing their energy supplies on the basis of free market business transactions.

- On security, Georgia restored authority and stability to the Pankisi Gorge in 2003, eliminating a possible haven for terrorists who threatened regional stability (including in Russia's North Caucasus). Today, Georgia is the third largest troop contributor in Iraq, with over 2,000 soldiers on the ground in Baghdad and Wasit Province. We also deeply appreciate Georgia's peacekeeping contributions in Kosovo and its preparation to contribute to Operation Active Endeavor in Afghanistan.

- On internal reform, Georgia has emerged from the darkness of a failing state with a stolen election in November 2003 to the "world's leading economic reformer" for 2007, according to the World Bank. Georgia is now rated by the World Bank as the 18th easiest country in which to do business, placing it ahead of many EU member states. The Georgian Government has initiated judicial reform, established fair standards of entrance into universities while devolving administrative authority to local school districts, and taken serious steps to combat trafficking in persons (resulting in Georgia's elevation from Tier 2 to Tier 1 according to the U.S. Government's ranking system).

The United States has played an important role in encouraging and supporting these successes through our assistance to the government and people of Georgia in democratic institution-building, economic development, health, and education. We welcome the achievements outlined above. But, we also recognize the serious need for accelerated progress, as expressed by protestors, opposition politicians, and more recently, President Saakashvili.

The events of this past fall marked a setback for democratic momentum in Georgia. Large segments of the Georgian public expressed serious dissatisfaction during the large protest rallies in September, October, and November. This dissatisfaction stemmed from a combination of continuing poverty and unemployment, a sense the Georgian Government had grown disconnected from certain segments of civil society, and anger over a political system that seemed to be structured to limit space for a vibrant opposition to flourish.

On November 2, Georgia's opposition leaders held a peaceful protest to demand several electoral reforms. The core demand was to hold parliamentary elections as originally planned in spring, rather than concurrently with presidential elections in November as had been decided by a constitutional referendum many opposition leaders opposed. The State Department recognized this demonstration as an example of the exercise of democracy through the right of peaceful and lawful protest. On November 3, protestors escalated beyond their reasonable demands of the previous day to a call for the overthrow of Georgia's democratically elected president, who was dubbed a "terrorist" and a "criminal." In this emotionally charged atmosphere, protestors blocked Tbilisi's main thoroughfare,

Rustaveli Avenue, and occupied the plaza in front of Georgia's Parliament for several days.

On November 7, Georgia's Ministry of Internal Affairs dispersed the protestors from Rustaveli Avenue and Parliament. Later in the day, as emotions continued to escalate, police clashed with protestors in a different section of Tbilisi. The U.S. Government condemned what appeared to be the use of excessive force by the Georgian Government against the protestors. We also decried the imposition of a state of emergency and closure of the independent Imedi television station, leading to suspension of all news broadcasts except those of the Georgian Public Broadcasting station.

I traveled to Tbilisi the following week to deliver a clear message on behalf of Secretary of State Rice: namely, that to restore Georgia's democratic reputation and international support for Georgia's NATO aspirations, it was essential for the Georgian Government to lift the state of emergency, restore all TV broadcasts, and engage in good-faith negotiations with the opposition on electoral reform. I met with a wide range of leaders of Georgia's government, opposition, and civil society, as well as Imedi TV's management and journalists. Working closely with Ambassador Tefft and EU Special Representative Peter Semneby, we negotiated a way to get Imedi TV back on the air by establishing a media freedom ombudsman to pronounce on—but not censor—any Georgian TV broadcast that might violate professional or ethical standards of journalism. We were pleased to see the state of emergency lifted, and the launch of serious negotiations between the Georgian Government and opposition. We commend the efforts of Parliamentary Speaker and (during December and January) Acting President Nino Burjanadze in leading a constructive dialogue between the government and opposition, which led to the establishment of an inter-agency task force on free and fair elections. The government listened to the opposition and accepted most of its recommendations, including allowing voters to decide via plebiscite on the timing of parliamentary elections, and releasing from prison Irakli Batiashvili (whom some opposition leaders considered a political prisoner). Still, the use of force by Georgian law-enforcement personnel against protestors crossed a painful threshold in the history of an independent Georgia.

In the midst of this turmoil, President Saakashvili tried to defuse tension by taking an unusual democratic step: he called for a snap presidential election on January 5 that would shorten his term by a year. The January 5 election helped get Georgia's democratic transition back on track, though much work remains to be done to improve Georgia's election procedures. In the immediate aftermath of the January 5 vote, the Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) determined the election was in essence consistent with most OSCE and Council of Europe commitments and standards for democratic elections, although it also noted significant challenges that urgently still need to be addressed. In subsequent days, opposition politicians and other private Georgian citizens raised a series of complaints about potentially serious election irregularities to Georgia's Central Election Commission. Many of these complaints appear to have failed to receive a proper hearing.

The U.S. Government spent a week of careful investigation before making an official pronouncement on the outcome of the elections, even after Georgia's Central Election Commission certified as official the result that President Saakashvili was reelected with approximately 53 percent of the vote, just three percent over the threshold required to obviate a second round.

Georgian leaders and citizens will long argue over whether irregularities skewed the outcome of the January 5 election. Our assessment, after careful consideration by our Embassy, was that there were not enough disputed votes to have changed the official outcome and therefore Mikheil Saakashvili had been legitimately reelected as President of Georgia, but that election irregularities must be remedied prior to this spring's parliamentary elections if Georgia is to restore the faith of its voters and the international community that it has regained momentum on democratic reform.

Georgian politics have now entered a new and exciting period. President Saakashvili's narrow margin of victory over the 50 percent threshold sets an important precedent for the region, according to which a president does not need to win by an enormous margin to enjoy legitimacy. Meanwhile, having won 47 percent of the vote in the presidential election, Georgia's political opposition stands a chance to win a significant number of seats in this May's parliamentary elections. A parliament that reflects the contemporary sentiment of Georgia's voters will strengthen that institution as a cornerstone of Georgian democracy. We therefore look forward to the vigorous participation of Georgia's opposition leaders in the upcoming elections. And, we call on the Georgian Government to redress the irregularities of the presidential election and ensure the parliamentary election campaign meets international democratic standards. While the presidential election was in many ways a referendum on the leadership of President Saakashvili, the parliamentary election will be an opportunity for leaders across Georgia's political spectrum to define their country's political future.

We sense new momentum in Georgia. The coming months will be turbulent, and there may be further political demonstrations, but the Georgian Government seems to recognize the need for significant change. We already have seen changes in key leadership roles in the new government, including incorporation of civil society leaders into important positions. President Saakashvili's inauguration address offered an eloquent vision of a new direction in Georgian politics. A central theme of his address was reconciliation. President Saakashvili pledged that his government would reconnect with all of segments of Georgia's population. He called for tolerance and reconciliation between the government and the opposition, and among all ethnic groups. President Saakashvili also emphasized his desire for improved relations between Georgia and Russia. The second theme of President Saakashvili's speech was the need to bring the benefits of economic reform and growth to all the people of Georgia, especially those in rural areas. He announced a series of 50-day plans to achieve these economic goals in response to the clear calls from many Georgian voters for a more equitable share of Georgia's economic growth.

For our part, the United States will continue our diplomatic and technical assistance to the Georgian people and their government to help them reap the benefits of our shared values of democracy and human rights, which form the foundation for our partnership. We have reviewed the recommendations of the OSCE and Council of Europe on the January 5 presidential elections, and are working to target our assistance to address the areas of concern these organizations have highlighted.

Restoring democratic momentum through free and fair parliamentary elections will be crucial to Georgia's ability to fulfill its NATO aspirations. We welcome Georgia's continuing success on defense reform in the context of its Individual Partner Action Plan as well as Georgia's active Intensified Dialogue program with NATO. We continue to support a NATO Membership Action Plan (MAP) for Georgia. We believe NATO should keep open its doors for Georgia's future membership in the Alliance at a pace determined by how quickly Georgia meets the standards of membership. This assessment will be made independent of any non-NATO country's objections. Georgia's progress on security and democratic reform should determine how quickly Georgia advances toward NATO membership. Whether Georgia achieves MAP by the April NATO Summit in Bucharest will be determined by NATO's current members. It is important to remember that a NATO offer of MAP can take place at any time that the Allies achieve consensus.

We remain active in helping Georgia forge peaceful settlements of conflicts in its separatist regions of Abkhazia and South Ossetia. The situations in both separatist regions are now relatively calm after a period of tension throughout much of 2007. The mysterious March 11 artillery and airborne rocket attack on Georgian Government facilities in the Upper Kodori Valley of Georgia's region of Abkhazia, August 6 missile attack near the village of Tsitelubani near South Ossetia, September 20 deadly clash between Abkhaz and Georgian forces at Bokhundjara in Abkhazia, and the October 30 altercation between Russian peacekeepers and Georgian Ministry of Internal Affairs troops at Ganmukhuri just beyond Abkhazia all contributed to heightened tensions in both conflict areas.

Negotiations between Tbilisi and Sukhumi remain stalled. During a December 12 meeting in Oslo, the Friends of the Secretary General on Georgia—the United States, France, Germany, the UK, and Russia—agreed a comprehensive assessment of the UN-led peace process was necessary to take stock of the situation in Abkhazia and develop new strategies for jump-starting the peace process. Most members of the Group of Friends agreed the bottom-up approach focusing on incremental confidence building measures alone was not working, and that discussions of a political settlement and return to Abkhazia of internally displaced persons (IDP's) and refugees needed to be addressed in parallel with grassroots initiatives. The Friends agreed that the UN should continue to focus on strengthening the cease-fire regime, reinvigorating the process of IDP returns, implementing confidence building measures, promoting economic rehabilitation, and ending the isolation of the Abkhaz population.

In South Ossetia, a meeting of the Joint Control Commission was held on October 23–24 after a year-long hiatus, but did not produce agreement on joint actions to resolve the conflict. The OSCE's ability to monitor reports of heavy weapons movement into South Ossetia from Russia and to increase military transparency throughout the separatist region remains severely restricted due to political constraints placed on the mission. Russia vetoed the extension of the Border Monitoring Operation in 2004; Russia has also refused to grant OSCE monitors access to the Roki tunnel into South Ossetia on the Georgian-Russian border, and at a crucial road juncture near the South Ossetian village of Didi Gupta, through which we believe South Ossetian troops and military equipment circumvent OSCE monitors. The OSCE mission has expressed its serious concerns about the presence of heavy military equipment, as well as the continuing influx of armed personnel and ammunition into the region, and has requested additional monitoring officers to help expand its observation capacity.

Kosovo casts an ominous shadow over Abkhazia and South Ossetia. President Putin and other senior Russian officials have intimated Russia might recognize the independence of Abkhazia in the wake of Kosovo's independence. We have pointed out to Russia that this linkage is artificial and masks the serious differences between Kosovo and Georgia. Kosovo's history of UN administration and NATO protection, the status process envisioned by UNSCR 1244, and the commitments of the Kosovar authorities to guaranteeing minority rights as well as the safe return of IDPs and refugees create a different situation from that in Georgia's separatist regions. Moreover, we believe Russia recognizes the serious and negative impact recognition of Abkhazia's independence could have on stability throughout Russia's own North Caucasus region.

On the positive side, Russian-Georgian relations have recently shown tentative signs of improvement, including Russian Foreign Minister Lavrov's attendance at President Saakashvili's inauguration. We hope this portends concrete steps to normalize relations between Moscow and Tbilisi, including Russia's lifting of all economic embargoes against Georgia. President Saakashvili extended a hand to Russia in his inaugural address on January 20 and pledged to work together "in a spirit of mutual respect, camaraderie, and shared gains." We hope Russia will take him up on this offer and end the remaining economic and transportation sanctions it imposed against Georgia in the fall of 2006.

Georgia should continue to avoid overreacting to any provocative rhetoric, and should pursue exclusively peaceful and diplomatic means of resolving the separatist conflicts, as indeed it has for some time now. Russia should recognize that a stable, democratic, and prosperous Georgia is surely a better neighbor than the alternative. These are messages that we will continue to reinforce in our discussions with both countries.

Thank you, Mr. Chairman and Members of the Commission. I am happy to answer any questions.

**PREPARED STATEMENT OF H.E. VASIL SIKHARULIDZE,
AMBASSADOR OF GEORGIA TO THE UNITED STATES**

Mr. Chairman
Distinguished members of the Commission
Ladies and gentlemen

I would like to extend our appreciation and gratitude to the Commission on Security and Cooperation in Europe for organizing this hearing. I would like further to thank you for your leadership of the team of election observers from the OSCE Parliamentary Assembly. Thanks shall also go to all international and non-governmental organizations which participated in the election monitoring process in Georgia.

Mr. Chairman, I would like to begin with several points on developments leading to the January 5 snap presidential elections. Georgia has implemented successful and much applauded economic and governance reforms achieving formidable growth. Nevertheless poverty and unemployment still remain major issues and time is needed for tangible results to be delivered to every Georgian family.

This was main motivating factor behind mass rallies of November 2, 2007. The leaders of the demonstration came up with 4 demands to the authorities, which were negotiated in the framework of the Standing Intern-Factional Consultative Group chaired by the Speaker of the Parliament Ms. Nino Burjanadze. Here, I would like to note that this and other formats for political dialog existed before November events and are used today for meaningful dialog. Going back to November 2007 compromise on 3 out 4 original demands voiced at the demonstration was in sight when leaders of the rally left the negotiations and came up with some new demands, setting a pattern of constant position modification that can be observed till now.

It has to be noted that while November demonstrations remained peaceful, authorities did not resort to any restraining measures, despite the fact that permit for rally had expired for 5 days. When the police attempted to restore traffic on the blocked main avenue protesters turned violent. The authorities had to restore law and order.

As it was revealed later, at the peak of mass protests a well-planned coup by one of the heavily influential figures was to be executed. This plan was aiming at subversion of constitutional order by using large and unruly numbers of people and, at the same time paralyzing the vital state structures.

Georgian Government used all necessary and adequate means that any democratic government would use in order to uphold law and order in the country.

The President made a decision to resolve the political crisis through the most democratic way—elections. He has announced his determination to resign and to hold snap presidential elections on January 5, 2008. The announcement by President Saakashvili was made two weeks prior to the actual resignation, offering additional time to the 45 days provided by the Constitution. This gave sufficient time to all candidates for campaigning and helped the observers and monitoring groups, the Central Election Commission and voters to better prepare for the election.

As to the elections themselves, I would like to only briefly cite some observers statements, who were present in unprecedented numbers—around 1000 international and several thousands of local monitors scrutinized the process.

As International Election Observer Mission, including monitors from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE P A), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) stated that “the election is assessed in line with OSCE and Council of Europe commitments and standards for democratic elections and national legislation”. Moreover, virtually everybody agreed with the Mission’s assessment that “this election was the first genuinely competitive presidential election, which enabled the Georgian people to express their political choice”.

To broad acceptance of such a mood among observers, Georgian NGOs usually rather critical of the authorities added that despite some irregularities on election day, the elections were held without any major violations and, thus, were valid, reflecting the will of Georgian people.

At the same time, the reports have identified “significant challenges”. As advised, the Georgian leadership stands ready to address promptly all outstanding issues and further improve election system of Georgia. Moreover, President Saakashvili has already invited international organizations, such as the Council of Europe, to assist in addressing systemic shortcomings. He also has invited international experts to arbitrate election disputes to make the process even more transparent.

Meanwhile, the new Government of Georgia is tasked to implement the ambitious program of further economic liberalization. One of the main priorities for the Government is improvement of social security system and reduction of unemployment. NATO integration, peaceful resolution of conflicts, energy security, and fighting terrorism remain Georgia s foreign and security policy priorities. The plebiscite was held in parallel with the elections, which has demonstrated overwhelming support in Georgia for Euro-Atlantic integration.

Georgia’s leadership continues dialog with all political forces for achieving constructive compromise on important issues and hopes to achieve mutual understanding. As some opposition leaders have stated, authorities are demonstrating constructive. approach to their demands for constitutional and legislative amendments. As we speak, intensive negotiations are underway to reach mutually acceptable agreement.

Unfortunately, recent developments demonstrate that some political forces view politics as a zero-sum game. Though, this phenomenon is certainly not unique to Georgia but rather is characteristic to all young democracies. Some of the political groups have been flirting with the idea of non-recognition of official election results bringing virtual accusations without substantive evidence. Interestingly, only handful of claims has been submitted by approximately 35000 opposition observers. Those claims have been scrutinized by the foreign and international observers, who con-

cluded that the shortcomings have not affected the outcome of the elections.

Nevertheless, the leadership of Georgia stands ready to cooperate with the entire political spectrum to engage them more actively in democratic institutions. The President has specifically invited some political parties and individual figures into the cabinet.

The upcoming parliamentary elections which will be held in spring 2008, will be important benchmark for politics in Georgia. We hope very much that campaign will be very interesting and vibrant. Georgia's leadership is fully committed to holding free and fair parliamentary elections.

Mr. Chairman, January 5 snap presidential election had important impact on further strengthening Georgian democracy. The Government of Georgia has demonstrated ability of solving political crisis through political, democratic means. The processes have been turned from the "street politics" back to the political formats enhancing democratic institution and, ultimately, serving the best interests of the Georgian Nation.

Thank you.

PREPARED STATEMENT OF SALOMÉ ZOURABICHVILI

Mr. Chairman, Distinguished Members of the Committee, Ladies and Gentlemen

On behalf of the citizens of Georgia I would like to thank you for continued support and attention to our country, to its territorial integrity and to its international aspirations. I would like to thank you also for this opportunity to speak before the United States Helsinki Commission. This invitation is indicative of the importance you attach to the development of democracy in Georgia.

I would like to emphasize the timeliness of this hearing. In the last several months, as you are well aware Georgia has experienced serious turmoil. It is clear that major challenges lie ahead before Georgia establishes itself as viable and stable democracy.

I would also like to stress that I am here to represent Georgia's United Opposition Movement, for which nine major opposition parties have joined forces in support of a common vision and strategy. Such unification of opposition forces is unprecedented in the history of Georgia. We have united to address serious problems we and our country as a whole face.

Georgian political life has been dominated by both street protests and by elections for the past six months. Large street protests may have come as a surprise to the international community, as they revealed a serious discontent and fissure in civil society that was building for a long time.

Today I would like to bring forward specific policy suggestions which, in our opinion, will remedy the political crisis in Georgia. As you know, last week the United Opposition outlined major preconditions which will restore political balance in the country and democratize important public institutions. Without fulfilling these preconditions, we deem that holding fair Parliamentary elections in the spring of 2008 is impossible.

If these precondition are not met, the upcoming Parliamentary elections, rather than responding to the crisis, might produce an even more polarized and radicalized situation.

If major changes are not brought to the political environment, the risk is that neither peaceful protests nor elections will be able to bring a viable solution to the crisis that continues deepening. Georgian stability does not just rest in stable government and the continuation in power of the ruling group. But Georgian stability requires faith in the political systems and democratic principles underlying governance. The United Opposition of Georgia has come up with specific policy changes to repair the alienation between Georgia's government and its civil society.

Before I elaborate on Opposition policy suggestions and the justifications behind them, I would like to provide a brief overview of major events that led to the current tense political situation in Georgia.

I. BACKGROUND TO THE CURRENT POLITICAL CRISIS

The crisis in Georgia revealed to the outside world through mass rallies in the fall of 2007 is one that was ripening for the past two to three years.

This crisis has many elements, but at its root it is a crisis of democracy and justice. It should be recalled that the constant plight of the Georgian people for freedom, justice and democracy has never ceased. In 1918, 1922, 1923, 1924, 1926, 1956, 1978, 1989, 1990 and 2003 Georgians came out for democracy and justice and exhibited fierce determination.

It was not just an economic crisis and dire social conditions that caused Georgians to unite in the Rose Revolution. It was the sense of injustice and the loss of fundamental rights that moved the Georgian people in 2003 and culminated in the Rose Revolution. Again, it is the struggle for equality, justice and dignity that moves them now.

The Saakashvili government came to power with long awaited promises of full-fledged democratic reforms, justice and consolidation of the Georgian state and independence. It has failed to deliver on most of these promises.

The central explanation as to why a group of young, energetic reformers led by Mr. Saakashvili departed from their vision and failed to institute full-fledged democratic reform is to be found in the absence of checks and balances, without which democracy cannot exist.

A government elected with more than 90 per cent of the vote turned out to be unable or unwilling to allow the emergence of the balance of power, which guarantees oversight and restraint of the executive branch and is the sine quo non of democracy. None of our public institutions—the Parliament, the judiciary, the Opposition, local government the media and civil society with its own structures (NGO's, trade unions, political parties and movements)—were allowed to develop and emerge as strong and independent.

- **Parliament.** As early as February 2004, the authorities sponsored amendments to the constitution that violated the balance of power, expanding the President's authority at the Parliament's expense. The Parliament was stripped of important powers that served as a check on the executive branch and ensured the government's accountability to its legislature. The amendments granted the President the right to disband the Parliament and disregard a parliamentary no-confidence vote on the cabinet of ministers. Moreover, the Parliament lost its power to amend the budget or question the government's annual report on budgetary obligations. Among other things, these measures strengthened law enforcement agencies which actually have become accountable only to the president.

- **Media.** Next Saakashvili concentrated government power by stifling political expression, pressuring influential media and targeting vocal critics and opposition leaders. Despite constitutional guarantees of freedom of expression governmental intimidation of opposition groups and media figures critical of the government continues on a daily basis.

Several media outlets were closed down in the first half of 2004: TV companies newspapers (Channel IX, Iberia), (Mtavari Gatzeti, Dilis Gazeti, Akhali Epoka, Tribune Omega magazine) and Media-News Information Agency. In February 2004, the largest TV companies ended their evening political talk shows. After its main anchor and owner Shalva Ramishvili was ar-

rested, independent company 202 was transformed into a military channel by the Ministry of Defence. Largest and the most popular TV company IMEDI was forcefully taken off the air on November 7th. After it resumed its broadcasts through international pressure it was again closed through intimidation of its journalists and criminal indictment of its owner. All that is left on air are government controlled public channels (Channel 1, Channel 2 and Channel of the Ministry of Defence) and an equally pro-governmental private channels (Mze, Rustavi 2, TV Alania). Unfortunately, the only independent TV Channel Kavkasia cannot fully cover even the capital. Print press is relatively free, yet its circulation and influence is extremely limited.

- **Judiciary.** The lack of independence of the judicial system became evident early on. The mysterious death of the Prime Minister Zura Jvania in February 2005 and the failure of the justice system to respond to both pressing questions concerning his death and deliver justice can be considered the turning point.

In January 2006, the murder of Sandro Girgviliani, in which the family of the Interior Minister Merabishvil and other prominent figures of the Ministry of Internal Affairs were involved but never put on trial, was the second major blow to public confidence in the judiciary. As Freedom House's 2007 Nations in Transit report on Georgia notes "there are widespread allegations that political leadership exerts hidden pressure on judges who, at least in politically sensitive cases, hardly dare to disappoint the demands of the prosecution."

Carrots and sticks have been used to subordinate the judiciary to political pressure. For example, the parliamentary majority dismissed five "rebel judges" of the Supreme Court who were outspoken about the threats they have received from the executive branch. Encouraging loyalty in newly appointed judges, on June 5, 2007, the President ordered the sale of land to appellate and Supreme Court judges at prices a hundred times cheaper than their market value.

A more recent clampdown has been the closure of trials to broadcast media. The trends within the judiciary and media have been alarming: according to Freedom House of all criminal cases in 2006, there were 16,911 convictions and only 37 acquittals recorded—placing the odds of proving innocence at 0.2 per cent.

Georgia recently released several prominent political prisoners David Mirtskhulava, Sulkhan Molashvili and Irakli Batiashvili. However, as the Human Rights Watch World Report 2008 states and as Batiashvili, himself, has pointed out, there are still dozens of political prisoners in Georgia such as persons detained after November 7 demonstrations, Shalva Ramishvili, and others who are imprisoned because of views that differ from the government.

- **Opposition.** A weak and divided Opposition has been kept in that situation through pressure, intimidation of supporters, lack of financial and legal support and use of well-known Soviet tactics such as using security forces to unlawfully obtain,

manipulate and disseminate discrediting materials. An extremely limited role in the Parliament kept the Opposition in a marginal role, until the September 2007 events.

- **Local Government.** Shortly after the Rose Revolution, the ruling National Movement Party adopted a series of legislative changes that facilitated the establishment of a dominant party system. In November 2004, rules on the composition of the Central Election Commission (CEC) were changed, giving only the ruling majority the power to appoint CEC members. In July 2005 despite protest from election monitoring groups and the Opposition, the majority in the Parliament adopted a new “winner-takes-all” voting system, thus eliminating the possibility of representation for diverse political views in local governments. Contrary to the judgment of the Constitutional Court, newly adopted local government legislation also established indirect elections by local councils and deprived municipalities of profit tax—their most important source of income.

- **Civil Society.** Civil society was also weakened as independent watchdog groups were harmed by the sudden withdrawal of financial support by the international community and almost complete diversion of programs to government capacity building. Meanwhile, almost no attention was paid to supporting programs for monitoring government performance and advocating for accountability.

- **International Community.** Impressed by President Saakashvili’s declarations and sympathetic to his challenging international environment (Russian pressures and conflicts), the international community did not provide clear constructive feedback that would normally be expected.

Gradually, the Saakashvili regime has isolated itself from its citizens, became more arrogant and intolerant of criticism and closed to any real dialogue or debate. In addition to concentrating power in the President’s office, the ruling political elite has gradually ignored the public sentiment. The government failed to involve interest groups discussion of major political decisions. As stressed correctly by the Council of Europe Monitoring Group in 2005, the circle of people engaged in decision-making narrowed to only a few. Outside voices such as independent experts and opinion-makers have been ignored and government critics have been scorned and marginalized. Ongoing institutional reform has failed to establish viable channels of communication between public agencies and their beneficiaries.

II. PRECIPITATING EVENT

On September 25, 2007, the former influential member of Saakashvili’s cabinet Irakli Okruashvili accused Saakashvili of plotting the murder of out-of-favor Georgian tycoon Sadri Patarkatsishvili, and of dictatorship and of corruption. Two days later, on September 27, Okruashvili was arrested under the pretext of mismanaging state funds during his tenure as the Defense Minister more than a year ago.

Since September 28, 2007, Georgia has witnessed almost a dozen mass rallies, all of them peaceful them giving any credence to the authorities assertions that none of some were planning to over-

throw the state. Of these mass rallies, 6 reached the 200,000 figure, i.e. more than 10 percent of the population of the capital city of Tbilisi.

This arrest of Okruashvili opposition parties to unite with several major demands:

- a) A call for parliamentary elections in a constitutional time-frame, i.e. no later than April 2008
- b) Reorganization of the election administration with the view to including opposition representatives
- c) Changing the election system from winner-take-all to proportional representation
- d) Releasing all political prisoners

On the fifth day of demonstrations, November 7 riot police violently dispelled demonstrators with tear gas, water cannons and rubber truncheons. In an over-reaction to peaceful demonstrations, Saakashvili had begun a violent crackdown, causing injury to hundreds of protestors sending over 550 of them to hospital, seriously violating human rights, declaring a state of emergency, closing down all media and precipitously throwing his country into political crisis.

III. ELECTIONS

On January 5, Georgians went to the polls to vote in an extraordinary presidential election called by Saakashvili to respond to the political crisis. The total number of eligible voters was 3,527,964. Of that number, 1,982,318 voters took part in the elections. 33,129 ballots were disqualified. According to the official count:

1. Opposition candidate Levan Gachechiladze—509,234 votes, 25.69%
2. Arkadi Batarkatsishvili—140,826 votes, 7.10%
3. David Gamkrelidze—79,747 votes, 4.02%
4. Shalva Natelashvili of Labour Party—128,589 votes, 6.49%
5. Mikhail Saakashvili—1,060,042 votes, 53.47%
6. Giorgi Maiashvili—15,249 votes, .77%
7. Irina Sarishvili—3,242 votes, .16%

Article 86 of the Georgian Election Code provides that the candidate that receives more than half of the vote wins. Saakashvili started to celebrate victory as soon as exit poll results were announced, without waiting for the official numbers. The Central Election Commission recognized Mikhail Saakashvili as a winner with a narrow margin. The declaration of free and fair elections and victory for the democratic process, within 12 hours after the election in a country where exit polling and vote tabulation are not reliable, created a fait accompli before proper analysis could be completed.

Due to the massive procedural violations and electoral fraud, United Opposition does not recognize the results of the elections and calls for a recount of votes in the contested areas.

International and local observer organizations independent non profit organizations and political parties have publicized numerous instances of election fraud, ranging from rigging of precinct protocols to distribution of wheat flour at election precincts ex-

change for votes for the incumbent candidate. Violations have been detailed in preliminary and final monitoring reports of the International Election Observation Mission, Georgian Young Lawyers' Association Transparency International, ISFED, ENEMO, etc. They were not followed by an inquiry by the Election Commission or objective investigation by courts of Georgia. There are detailed accounts of pre-election and polling day violations in reports of all above-mentioned organizations.

To summarize: first, the candidates did not have equal access to the media prior to elections. The only opposition channel IMEDI TV, closed due to pressure from the authorities, leaving the five remaining stations to devote their airtime mainly to the ruling party candidate. As the International Elections Observation Mission report points out the campaign coverage in news programs lacked balance in most monitored TV channels, with Mt. Saakashvil generally receiving the most coverage.

Second, the campaign period was marred by intimidation and smear campaigns. Many opposition parties reported that their supporters were persecuted, intimidated and their offices raided. In none of the cases were the offenders punished. As the elections were appointed, opposition leaders were called for questioning on alleged coup plot. Shalva Natelashvili, opposition candidate from the Labour Party was even officially charged in the beginning. Although legislation provides for immunities to presidential candidates Election Commission refused to issue any guarantees to presidential candidate Sadri Patarkatsishvili, who was not allowed to return to the country and campaign due to his possible arrest by the authorities. In addition, the campaign period was marked by a bitter confrontation between presidential candidate Patarkatsishvil and the political leadership of the country, which was accompanied by public disclosure of covertly recorded materials, discrediting information and accusations. The exchange further diverted the attention of voters from pressing issues and the various solutions proposed by the candidates.

Third, Saakashvili's campaign was accompanied by wide implementation of social welfare programs. They ranged from a new "cheap credit" initiative, to annulment of electricity and gas arrears, to giving out laptop computers to poor children. It is noteworthy that the practice has been continuing since the Municipal Elections of 2006 when large-scale welfare programs had a defining impact on election outcomes. Unfortunately, such activities did not influence the final assessment of the elections by international organizations. And as it is being tolerated, the trend is likely to continue in the future.

Fourth, the election was affected by frequent use of administrative resources by the ruling party candidate. Independent watchdog Transparency International noted public officials' active participation in the ruling party's campaign. Other organizations filed lawsuits requesting official reaction to numerous instances of public officials' illegal participation in election campaigns in support of the incumbent candidate. All lawsuits against public officials and Mr. Saakashvil were rejected without serious consideration.

Furthermore, the background against which the elections are being held should be remembered. Election legislation also permits

individuals to appeal Commission decisions in common courts. However, the objectivity and independence of judges in deciding election-related matters is in doubt. This is due to the overall lack of independence in the Georgian judiciary. The judiciary system is under almost complete control of the Saakashvili government. Broadcast media is barred from courtrooms. Consequently, appeals concerning the legitimacy of elections were not properly investigated and unfairly decided. Therefore, manipulated results of elections were legitimized through the courts.

Moreover, there is the question of election violations and the Election Commission response to them. Although the International Election Observation Mission noted that elections were “in essence consistent with international standards for democratic elections”, its report also noted “procedural and organizational shortcomings” both on election day and during campaigning. Many violations noted in the report have become the subject of appeals and complaints by monitoring organizations. Election watchdog Georgian Young Lawyers’ Association (GYLA) filed 230 complaints just during the polling hours, calling for the invalidation of results from thirty polling stations. There have been a number of cases of illegal campaigning on voting day, widespread police presence in precincts, and procedural and technical violations during voting. Similarly, the International Society for Fair Elections and Democracy (ISFED) noted serious violations such as voter intimidation, raiding of polling stations, ballot stuffing and lack of application of voter identification procedures.

As was pointed out in the ISFED statement it is very important “that Election Administration scrupulously adds up election results and makes an adequate reaction to each complaint.” Indeed, the annulment of several precinct results on the basis of complaints could have a decisive impact on the election outcome and lead to a run-off. Unfortunately, however, the Election Commission has been less than nonpartisan in its reaction to complaints. For example, several district commissions went ahead and declared GYLA’s appeals void without even informing the complainants about the hearing. Similarly, although opposition parties presented significant evidence on election rigging in several districts where incumbents have won with 80 percent margins, it is less likely that the Administration will give those grievances serious consideration.

IV. IMPLICATIONS OF THE JANUARY 5TH ELECTIONS

It should be noted that the elections, unlike what democracy teaches us, have not resolved any of the major issues that fomented the crisis. The reasons are because:

- 1) *These were not the right elections:* that is, presidential elections were proposed where the population wanted parliamentary elections, when the clear wish of the population was to move to a more balanced system in which the powers of the president would be rebalanced by a stronger parliament. The proposal that was part of the opposition demand in November 2007 to hold parliamentary elections in line with the original calendar would have entailed—and that was stressed during the discussions between opposition and majority on November 2)—that the President would have remained in power

for the length of his original mandate, i.e. April 2009. That would have offered Georgia a smooth transition and the opportunity for sharing of power most probably between an opposition dominated parliament and a still empowered president.

2) *The elections were not held in a fair and democratic manner.* It does not serve any purpose here to repeat all the arguments that prove an unfair pre-electoral campaign (elections held in the immediate aftermath of a state of emergency with massive political intimidation, lack of free media during campaigning, excessive unbalance in financial and administrative resources between the main candidate and others), as well as the massive frauds that made those elections illegitimate for a vast majority of the population (frauds documented after the closure of the precincts that amount to more than 300,000 disputed votes). These elections are not only disputed but are not recognized as legitimate by at least half, if not more, of the population. The second round that was asked by the population and the opposition could at least have secured that, if not a victory of the opposition, at least a certain amount of legitimacy for the elected president, and in turn more stability.

3) *These elections have not dealt with the real roots of the crisis:* lack of democracy and lack of justice. Saakashvili campaigned on the social issue of poverty, which while being a serious issue remains secondary to the more existential ones. Since none of the serious problems that were at the roots of these protests have been removed, it is most probable that the coming months will again be dominated by street protests and by the electoral issue: the credibility of the next elections and the electoral process. The authorities do not seem to have taken the measure of seriousness of the crisis and still think they can deal with the situation with half measures: appearance rather than substance when talking about dialogue and not accepting the real changes that are key to restoring the lost confidence in the electoral process. (The major requests are: parity of the electoral administration and Central Electoral Commission (CEC) and removal of its chairman; parity and equal access to the public Channel and control of objectivity of the media; bringing an end to political intimidation by the removal of key figures who were central to the frauds (the president of the CEC and the minister of justice who was promoted to prosecutor general) or the political repressions (the minister of internal affairs).

Reacting to the lack of serious concessions, as well as to the pro forma changes (cabinet members have been redistributed but "force structures" remain unchanged), the opposition is calling for a mass rally on February 15 in order to sustain the demands formulated in the January 28 memorandum.

As it was the case in November, December and January (none of the rallies turned illegal or gave way to any disorder, provocation or incident despite the numbers involved), the opposition remains constrained by the legal, constitutional framework. That means it could, in the end prove unable to get the results that the population expects and hence unable to restore its confidence in the electoral process. But this is not to say that things will remain the

same. While these major defining lines of the Georgian political scene are unchanged, many factors are already different:

1) The society after the January 5 presidential elections is much more polarized than it has ever been in the recent period. The authorities have been playing up the threat of a possible return to the 1990–1991 situation of civil war and by overplaying this theme, they have been in fact provoking some of the same behaviors. The early celebration of a disputed presidential election and the provocative ceremonies for his inauguration in a divided country could in fact have fuelled some serious unrest, if it had not been for the self restraint of the opposition parties that did not allow their followers to take to the streets.

2) For the population and the opposition, up until now, the street has only be an instrument to bring pressure on the authorities or a means of self expression when all other ways were inaccessible (media, parliament, foreign media attention). However might well happen that for the vast majority of the population—distancing itself from the mainstream of the opposition—the street could become “the only way out” of the crisis, if everything thing else proves unsuccessful to bring results.

3) Similarly, the opposition, up until now which is weak and divided, has managed to find strength and coherence in unifying itself around electoral demands and a democratic agenda. It might, if unable to show results through dialogue with the authorities, divide itself or risk simply losing its audience. As a result, a weakened and divided opposition (which is also the aim of an irresponsible strategy of the authorities) will find itself unable to keep up its role of mediator between the people and the authorities, leading in turn to a probable radicalization of the protests.

Thus the hope of the authorities that they can just once more appease the foreign partners by making the right motion and the right declarations (dialogue and unity of the country), while not changing ANYthing to the way of holding to power (frauds, lies and intimidation that is going on in the country on a daily basis) so that mass protest will tire and fade out, hoping that it will be able to divide or discredit the opposition (talks about new “kompromats” are again on) and manipulate the next elections in order to get a more “presentable” parliament without losing majority, i.e. power, might prove a very dangerous illusion.

V. SOLUTIONS TO THE CRISIS

Today it is clear that it would have been quite easy for president Saakashvili to avoid all of this turmoil by acceding to the early demand concerning parliamentary elections in spring of 2008. That would have saved us all and him in particular of the November 7th crack down, the Imedi TV sacking, the political polarization linked to presidential elections, the financial costs of two consecutive elections, and the enormous cost of shaking the trust of the population in democratic institutions (elections, electoral administration, judiciary, press) as well as tarnishing Georgia’s world reputation as a “beacon of democracy” and, last but not least, weakening its

chances to get MAP at the next NATO Summit in Bucharest in April of this year.

As you are well aware Georgian Presidential Candidates from the opposition and opposition political parties published joint memorandum on Situation Existing in the Country Afterwards of Raid on Peaceful Manifestation of 7th November and Falsification of Presidential Elections of 5th January 2008. We consider, that overcoming of political crisis is only possible by means of free and fair Parliamentary Elections, for which following steps should be undertaken:

To Overcome Contested Results of Presidential Elections of 5th January 2008:

1. Recalculation of votes caslin disputed districts with participation of international observers and including data from video surveillance system;
2. Investigation of violations during voting and criminal prosecution of those guilty;
3. Undertake constitutional amendments to present new government membership to newly elected parliament;

To Ensure Political Freedom:

4. Immediate release of persons arrested for political beliefs;
5. Investigation of raid on peaceful demonstration of 7th November 2007, facts of assault and pressure on political opponents;¹
6. Resignation of Minister of Interior and Prosecutor General, reorganization of political police forces (SOD—Special Operational Dept., KUD—Dept. of Constitutional Security, Special Operations Force of Penitential Dept.);
7. Creation of monitoring system for law enforcement agencies: Parliamentary investigative commission (on equal principles) and regional monitoring councils, which will investigate illegal actions of law enforcement agencies;

To Ensure Freedom of Speech:

8. Composition of Public Broadcaster's Supervisory Board on equal basis from government and opposition and in meanwhile, appointment of General-Director by agreement of all parties;
9. Composition of the National Communications Commission on equal principles;
10. Proper implementation of objectivity of private TV companies monitoring system, so called "Michnik Group"²

¹There have been many reports of political repression during the emergency. Even before November 7, there were plenty of incidences of threats against and criminal prosecution of those that openly expressed their opposition to the government. Opposition leaders were subpoenaed for questioning and verbally threatened with criminal prosecution. Some demonstrators were summoned to local police districts if it was determined that they took part in the protests. These allegations should be investigated speedily and President Saakashvili should publicly denounce such tactics.

²The free media must also be permitted to work during the elections. Opposition parties will have very limited access to broadcast media, even after emergency rule expires. As most TV stations are controlled by the government-except TV Imedi, brutally destroyed by riot police-it is crucial that all media (and specifically TV Imedi) are allowed back on air. This morning Imedi was stripped of its broadcasting license, making it unlikely that there will be accurate media coverage of upcoming campaigns and elections. The government does not have the same level

11. Restoration of publicity and media coverage of public institutions, including coverage of court hearings by broadcast media;³

To Hold Free and Fair Elections:

12. Appointment of Parliamentary elections until expiration of constitutional term of current Parliament i.e. April 2008. Appointment of Adjara Parliament elections until expiry of its constitutional term i.e. July 2008;

13. Reformation of currently existing so called majoritarian electoral system (winner takes all), distribution of mandates proportionally to votes received;

14. Composition of all levels of electoral administration on fully equal principles (equal participation of all electoral entities). Appointment of Central Election Commission Chairperson based on agreement of parties. Distribution of positions of district and precinct electoral commissions chairpersons, co-chairs and secretaries positions between electoral entities;⁴

15. Direct and clear prohibition of participation in electoral campaign of President and other political officials;

16. Deployment of video surveillance system on all precincts and publicity of records for all electoral entities;

17. Development of new electoral code considering efficient means for Exit Poll publishing, complement of voters list and complaints and other recommendations by international observers.

Memorandum is signed by eleven political parties and three presidential candidates.

VI. SUGGESTIONS TO THE INTERNATIONAL COMMUNITY

Assessments of the country's democratic progress must measure the current situation against the expectations raised by the "Rose Revolution" in 2003. While Georgian authorities might deserve credit for some accomplishments of the past several years criticism for problems that remain is still warranted. However, the Government has avoided necessary criticism for the simple reason that the country went through a significant non-violent change. Such reasoning is inherently wrong and has an adverse impact on the ground. One-sided praise without adequate and constructive criticism does not encourage learning and growth and allows for the repetition of mistakes. Helping Georgia to consolidate itself against its foreign and internal threats should mean helping Georgian state to consolidate its democracy, and not to be more tolerant towards its failures.

of control over the printed press. Nevertheless, newspaper circulation is very low and its influence on public opinion limited.

³Media coverage of court hearings should be restored. For that purpose, Parliament of Georgia should go back to the original reading of article 12(4) of the Law on Common Courts, giving broadcast media the right to film court sessions with advance notification.

⁴One of the most important requirements for the upcoming elections, if they are to be considered free and fair, is adequate representation of the parties in the electoral administration. It is the parliamentary majority that controls the process of appointment to the Central Election Administration. Its members should be nonpartisan, but because the president and majority are in charge of the process, most are subordinate to the ruling political party. Therefore, to minimize the possibility of election manipulation, it is crucial that the opposition parties have representatives in the Election Administration. Equally important is the clarity of voter lists, as stressed by a number of election monitoring organizations.

On the other hand, despite the evident deficiencies in the reform processes, Georgia efforts to adopt a democratic, market-oriented system should continue to be encouraged both within the country and by the international community. Additionally, the achievements of the Georgian people and their Government should be assessed independently from political circumstances in other countries. Certain failures or lack of progress in other countries in the region are often used as a justification to inflate Georgia's success. This skewed perspective is causing the Government to lose sight of where it stands and how much more must be done.

Moreover international community should support establishment of democratic processes and institutions, and not exhibit signs of empowering any particular political team. No political power in Georgia has a monopoly over Georgian people's Western aspirations, their strife for democracy and European integration. There is a consensus over those issues among major political forces in Georgia. Furthermore, November 7th violent crackdown revealed to the whole world that Saakashvil's pledge for democratic consolidation is part of political propaganda having little to do with actual steps for Georgia's approximation with Western democratic institutions.

Some might argue that because the Georgian leadership is overly sensitive to criticism international public reprimand, and support of critical civil society groups, might cause its alienation. It might be true that Georgian leadership in general seems to be highly sensitive to criticism and often distances itself from its critics. This should not place it above reproach. The international community is endowed with numerous feedback mechanisms, so it must take the initiative to find an effective avenue for constructive feedback without alienating the Georgian leadership. Effective, constant and public pressure on the Georgian authorities in the coming three months is needed to make sure that it conducts universal, free and fair elections. With support from abroad coupled with healthy criticism, and internal pressure for democratic reforms, Georgian leadership can be induced to move down the path of dialogue with its own population. Thus Georgia can one day become the full-fledged democracy that its citizens have long sought.

Last but not least, international community should not hesitate to continue empowering Georgia's NATO and European aspirations. Weakening of Western support to Georgia might encourage Russia to become more assertive in its claims (i.e. neutrality, support to separatist regimes). Saakashvili government can become more complacent towards Moscow, signs of which are already visible (unnecessary and counterproductive NATO referendum, no mention of NATO in the inauguration speech, privatization process clearly favoring Russia). Georgia NATO Membership Action Plan aspirations should be reinforced, not weakened, yet made more conditional with active and direct linkages to democratic achievements.

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