

Testimony of Eka Gigauri, Executive Director of Transparency International Georgia

FULL COMMITTEE HEARING

ANTI-NGO LAWS AND OTHER TOOLS OF DEMOCRATIC REPRESSION

September 12, 2024

- Chairman Cardin
- Ranking Member Risch
- Distinguished Senators,

Thank you for the opportunity to speak at this hearing. I am thankful for the long standing bipartisan support towards Georgia by this Committee, the very professional staff and your continued attention towards Georgia in times of crises.

My name is Eka Gigauri, I am the executive director of Transparency International Georgia, - the largest Civil Society Organization working on good governance and corruption in the country. I am here to share a local perspective on resisting anti-NGO laws in Georgia, as well as my personal experience of being targeted as a human rights defender, and to present the views shared by a broader civil society of Georgia.

The introduction of anti-NGO laws in different parts of the world is an alarming and growing trend. Anti-NGO laws, first championed by Putin's regime in Russia, enable a smooth, swift, and decisive shift towards consolidated autocracy. In countries like Georgia, when such laws are introduced, autocrats amplify Russian anti-Western disinformation, cultivate social division, and undermine partnerships with the U.S. and the EU—all against the will of the majority of citizens.

In many countries affected by this challenge, including Georgia, resisting oppressive anti-NGO legislation has become a key battleground for defending freedom and democracy. These battlegrounds are local, but each struggle is being fought at the International geopolitical level as well.

Prevailing in this struggle requires two key elements:

- Unity among proactive citizens who have chosen freedom, valuing it enough to defend it; and
- Consistently strong support from the international democratic community for the vibrant civil societies they helped develop and grow. In Georgia, this means the United States speaking and acting with legitimate moral authority, assertively and convincingly, as it has done for nearly three decades when it helped Georgians protect their sovereignty, independence, and democratic aspirations.

This is not to suggest that America should do the job for citizens who choose freedom over authoritarian rule. A free country is never granted, even by the greatest allies; it is earned by its citizens, for whom America has always been an inspiration.

The key point is that in places where pro-democracy movements are strong and America's well-established partnerships are challenged by actors like Russia, as in Georgia, maintaining a high level of support in backing democratic aspirations of nations - can tip the balance.

From our perspective, maintaining this support while drawing clear red lines in U.S. foreign policy could be decisive. This is crucial, as American foreign policy in action can deter those who attempt to steal freedom from millions and encourage those who choose freedom over autocracy.

Authoritarians who challenge American interests and undermine democracy respond to red lines and perceive any reduction in U.S. support—whether in communication or policy—as a green light to push these boundaries. The same perception demotivates pro-democracy activists and citizens who often risk their lives defending democracy.

I believe that hearings like this one by the Foreign Relations Committee are essential to ensuring that American foreign policy decision-making is informed by local perspectives. I appreciate the opportunity to share what we have learned in Georgia in resisting repressive legislation and Russia-inspired authoritarian drive behind it.

In Georgia, the introduction of the anti-NGO law, commonly referred to as the "Russian Law," sparked massive resistance, energizing and uniting previously fragmented pro-democracy actors. This led to unprecedented civil solidarity, nationwide protests, the consolidation of civil society and cooperation among pro-democracy political parties. Yet, the authorities continue to push the red line as they proceed to enforce the repressive legislation to establish a Russian-style system of governance. For every citizen of Georgia, the upcoming elections on October 26 are essentially a referendum on a clear choice between a democratic, prosperous European future and the misery of being a Russian satellite. Fair elections would be the way to materialize the obvious choice of Georgian people.

However, the Georgian case, does have another, a geopolitical dimension, which has even a bigger impact on the fate of democracy far beyond our borders. If Georgian democracy is defeated and the country plunges into the Russian orbit, again, this would mean an evaporation of chances for further democratic development of any country Eastwards or Southwards from Georgia. Geopolitically, this would mean the erection of a new iron curtain in our region, with Russia once again marking its backyard, claiming Georgia as part of its sphere of influence.

Incumbent authoritarians follow a common Russian playbook when introducing and enforcing anti-CSO legislation. Their goals, methods, practices, and tactics toward local pro-democracy actors and their supporters, including those in the U.S., are the same.

Their autocratic objectives are simple: consolidating power requires silencing critical voices, closing civic space, and neutralizing free media. Anti-NGO legislation is a convenient tool for these goals, providing a facade of legality.

The process proceeds in Three Phases.

Phase 1: Preparing the Ground for Legalizing Repression.

In this phase, a massive coordinated smear campaign was launched against civil society, USAID, and U.S.-based democracy-promoting organizations. Local civil society activists were portrayed as enemies of the state. The campaign included intimidation, defamation, threats, and violence targeting activists and their families (myself included). My family members and I have been subject to verbal attacks and intimidation by high level public officials, my portraits were placed on the “public enemies” posters placed by the ruling party activists in every town nationwide, my property and vehicle was vandalized by insulting graffiti. My fellow civil society activists have been targeted in the same way. International donors, including USAID, faced harassment from government officials and false criminal investigations have been launched.

The reason why international donors and CSOs including TI has been target is obvious. As an example, since 2011 TI Georgia provided legal support to 22,401 citizens; won 880 cases in the court that implied monetary compensations and included the cases 89 free media journalists; and published annually around 25 reports and 157 policy documents that exposed corruption and abuse of power.

Phase 2: Passing the Law Despite Public Opposition.

Despite mass protests and clear advice from U.S. and European allies, the law was passed. Authorities amplified coordinated disinformation, portraying civil society and their international supporters as a "Global War Party" destabilizing Georgia. This narrative mirrors Russian disinformation. The government adopted an openly anti-American stance and announced a shift away from strategic partnership with the West while government-supported intimidation and violence – continued.

Phase 3: Enforcement of the Law.

Phase 3 which is unfolding as we speak, involves the enforcement of the law. The repressive measures embedded in this law include:

- Stigmatizing NGO members and activists as Foreign Agents, which for Georgians carries a deep historical and emotional weight. There are practically no families in Georgia without at least one ancestor persecuted in the early Soviet era, accused of being an ‘Agent’ or a ‘Spy’ of a foreign power. These labels are not just derogatory and insulting - they are a betrayal of our ancestors’ memory, carrying with them the unmistakable mark of Russian repression.
- A series of heavy financial fines followed by the seizure of organizational assets of representatives who refuse to register as Agents of Foreign Powers or fail to provide any information requested at the discretion of the authorities.
- A mandatory legal obligation for NGO representatives and affiliated persons or entities to provide any information, including records, communications, personal data, data on mental health and sexual life, information protected by non-disclosure agreements with third parties, finances, and more—all subject to disclosure. Refusal to comply can result in penalties or the freezing of financial assets.

The ruling party's major electoral promise is the legal prosecution of the "collective opposition" to the regime, including pro-democratic civil society.

Throughout all three phases, the authorities have waged a massive and coordinated disinformation campaign using government-controlled media, the public broadcaster, trolls, bots, fake social media accounts, and commentators on the party payroll.

The situation in Georgia is dramatic, but I am not here to seek sympathy. In Georgia, we are engaged in a generational and existential struggle, defending sovereignty, independence, and the dream of a democratic future. We are determined to stand our ground.

We are not alone. American and European allies support the Georgian people by delivering clear messages to autocrats, reassuring pro-democracy actors, sanctioning those who undermine democracy, and initiating the MEGOBARI Act and Georgian People's Act. This support is deeply appreciated by every Georgian who chooses freedom over oppression.

What Can Make Your Support Most Effective:

- We are in a new stage of the global struggle for democracy. Each country is unique, but a more uniform U.S. foreign policy that draws clear red lines for autocrats would better reassure millions who look to America for inspiration.
- Expanding direct communication between U.S. policymakers and local pro-democracy players—an “early warning system”— can improve situational awareness and policy response.
- International donor support is vital. U.S. government backing the donors pressed by authoritarians is critically important.
- Civil societies function in emergency mode. Swift support is needed to secure top priorities. In Georgia, top priorities include election monitoring, countering disinformation.
- Progressing with the MEGOBARI Act and the Georgian People's Act could have a strong positive impact.
- U.S. sanctions should target individuals undermining democracy and serving Russian interests, not the people of Georgia, whom America supports.

Georgians understand that freedom is never granted but always earned, as it has been throughout our history. With the support of America and its allies, we once built an emerging democracy that has been an inspiration in our part of the world, and I believe that, with your help, we will prevail once again.