



AS/Mon(2013)04rev

28 January 2013

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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by Georgia

Information note by the co-rapporteurs on the fact-finding visit to Tbilisi and Kutaisi (5-7 December 2012)¹

Co-rapporteurs: Mr Michael Aastrup JENSEN, Denmark, Alliance of Liberals and Democrats for Europe, and Mr Boriss CILEVICS, Denmark, Socialist Group

¹ This information note has been made public by decision of the Monitoring Committee dated 24 January 2013.

I. Introduction

1. The visit to Georgia took place from 5 to 7 December 2012, following the parliamentary elections that were held on 1 October 2012. These elections resulted in a peaceful change of power, a first in Georgia, which drastically altered the political environment in the country. The primary function of this visit was therefore to study the new political situation in Georgia and to discuss the priorities of the new government vis-à-vis the on-going monitoring procedure. In that context, the main topics for discussion were:

- a. the follow-up to the recent elections and further electoral reform;
- b. the co-habitation between the President and Government, as well as the relations between ruling majority and opposition;
- c. priorities and planned reforms of the new authorities;
- d. follow-up to the prisoners' abuse scandal;
- e. the preparations for the upcoming information report by the rapporteurs for Georgia and Russia on the consequences of the war between Georgia and Russia.

2. In line with the Constitutional changes that were adopted in October 2010, the Parliament of Georgia moved to Kutaisi after the parliamentary elections. Therefore, all the meetings with parliamentary representatives took place in the new parliament in that city. Regrettably, unforeseen but very important developments in his own country forced Mr Jensen to cancel his participation in this visit at the last moment.

3. During this visit, the delegation met, inter alia, the Speaker of the Parliament of Georgia, Mr Davit Usupashvili; the Prime Minister of Georgia, Mr Bidzina Ivanishvili; the Minister of the Interior, Mr Irakli Gharibashvili; the Minister of Justice, Ms Tea Tsulukiani; the Minister of Corrections and Legal Assistance, Mr Sozar Subari; the State Minister for European and Euro-Atlantic Integration, Mr Alex Petriashvili; the Secretary of the Security Council, Mr Giorgi Bokeria; the Deputy Minister of Foreign Affairs, Mr Davit Zalkaliani; the Deputy State Minister for Reintegration, Ms Ketevan Tsikhelashvili; the Chairman of the Central Election Commission, Mr Zurab Kharatishvili; the Chairman, Mr Tedo Japaridze, and members of the Georgian delegation to the Assembly; representatives of the political factions in the Georgian Parliament; representatives of the Office of the Public Defender of Georgia, as well as representatives of the civil society and international community in Georgia. The programme of the visit is attached in Appendix 1.

4. We would like to thank the Parliament of Georgia and the Head of the Council of Europe Office in Tbilisi, and her staff, for the excellent programme and the hospitality and assistance given to our delegation.

II. Cohabitation

5. The political environment has changed dramatically as a result of the change of power during the last elections. In these elections, the Georgian Dream Coalition won 83 seats in the parliament and the former government party, the United National Movement, 67 seats.

6. At the first sitting of the new parliament, in line with promises made before the elections, the ruling majority split into three factions: GD Georgian Dream, GD Republicans and GD Free Democrats. On 4 December, a new faction, Georgian Dream Conservatives, was established within the Georgian Dream coalition. While all GD factions clearly show their own identity, their co-operation is close and cordial. The concerns of some interlocutors that the coalition would fragment following the elections seem – until now – to have been ungrounded.

7. Similarly, the United National Movement split into three factions during the first sitting of the parliament: UNM, UNM Regions and UNM Majoritarians. This split is mostly technical and driven by pragmatic arguments (each faction gets the same privileges and a vote in the Bureau of the parliament). However, five UNM MPs refused to join any of the factions. They were later joined by another UNM majoritarian and formed the faction of independents. It is widely expected that this faction will vote along with the ruling majority on some crucial votes. In addition, one majoritarian UNM member switched sides and formally joined the Georgian Dream faction. In December, an additional two majoritarian MPs left the UNM minority faction

8. In total, 13 members of the new parliament accepted appointments in the new government and vacated their seats in line with legal provisions. Of these, ten were elected to parliament via the proportional list and were replaced on 13 November. For the mandates of the three majoritarian MPs that joined the government, by-elections will have to be held. According to the law, these seats will remain vacant for a year until by-elections can be organised in conjunction with the presidential elections in October 2013. A number of interlocutors considered the time that these seats remained vacated to be excessive and suggested that amendments to the electoral code should be adopted to shorten the minimum waiting period between

elections. Such a change would seem reasonable from a democratic perspective given that, currently, three majoritarian electoral districts will not be represented in the new parliament for a full year.

9. As a result all these changes, the current composition of the parliament is 83 seats for the ruling coalition, 58 for the opposition and 8 independents.²

10. The formation of the new government was smooth and efficient. The President established a special ad hoc working group consisting of three leading UNM and two leading GD representatives, which greatly facilitated the handover of power. In addition, in order to allow a new government to be formed that reflected the will of the Georgian people expressed in the elections, the President waived his constitutional rights to appoint a number of ministerial positions, as well as the Prosecutor General. Both President Saakashvili and Prime Minister Ivanishvili should be congratulated for the manner in which the handover of power took place.

11. The constitutional amendments, adopted on 15 October 2010, significantly altered the balance of power between State institutions. They changed the system of government from a strong presidential system to a mixed system, where most of the power is in the hands of the government, which is solely accountable to the parliament. As a result, when the Constitution is fully in force, the powers of the government will be substantially strengthened over those of the President. However, according to the transitional provisions, the constitutional changes that affect the balance of power between the Government and the President will only take effect after the next presidential election, when President Saakashvili has finalised his last term of office.

12. Also as a result of this constitutional context, the cohabitation between the President and the government has been difficult and at times acrimonious. No side is free from blame in this respect. Both sides refer to each other as opponents, in contradiction with their constitutional relationship and accuse the other side of undermining their work and constitutional role. Regrettably, the polarisation and rhetoric that characterised the election campaign has not been overcome. This difficult cohabitation is, to an extent, mirrored in the work of the parliament and hinders the normalisation of the political environment. In a statement delivered after the visit, we called upon both the political majority and opposition to respect fully each other's constitutional roles and, in the interest of all Georgian citizens, ensure that the cohabitation between the President and the Government works. The full text of the statement is attached at Appendix 2.

13. A factor that is influencing the difficult cohabitation is the mutual fear that the other side will use extra-legal means to change the results of the last election. The ruling coalition fears that President Saakashvili will use his powers to fire the government and call for new elections in the small time window³ available for him to do so. The President and his supporters fear that the ruling majority will try to impeach the President and pressure UNM members to switch sides in order to adopt constitutional amendments that would block the powers of the President. It is clear that either the impeachment of the President or the calling for pre-term elections would sink the country into a deep constitutional crisis. During the visit, the UNM leadership emphasised that the President has ruled out the possibility of firing the government, or calling for new elections, not least because it would lead to devastating results for the UNM at the ballot box. Similarly, the ruling coalition indicated on several occasions that it did not intend to start an impeachment procedure against President Saakashvili. These positions of the opposition and the ruling majority should be welcomed.

14. The ruling majority has indicated that it would favour amending the Constitution, both to allow the possibility for the Parliament to move back to Tbilisi and to allow for the new constitutional division of powers between the government and the President to take effect immediately instead of after the next presidential election. In the view of the ruling majority, the latter proposal would solve the problems in the cohabitation process and normalise the political situation in the country. It is clear that changing the powers of the President without a broad consensus between the ruling majority and the opposition would lead to unnecessary tensions in the political system and therefore should be avoided. Several interlocutors expressed doubts about the ruling majority being able to change the Constitution, given that, even with the votes of the six independent members in the parliament included, the ruling coalition is 11 votes short of a constitutional majority.

15. On 17 December 2012, the Parliament, in line with constitutional requirements, established a group consisting of representatives of the opposition and the ruling majority, as well as civil society representatives,

² Of the 8 members not belonging to either one of the GD, or UNM, factions, 6 have formed the independents faction while two others have still not decided which faction to join.

³ The President cannot call for elections in the first six months after an election and not in the last six months before the presidential election. Outside of this period, he has large discretionary powers to call for new elections.

to lead the legally prescribed public consultations on a Constitutional amendment that would allow the relocation of the parliament from Kutaisi to Tbilisi.

16. Following the elections there were several reports of pressure being exerted on UNM elected local officials to either switch sides or to resign. There have been in total 11 verifiable reports of mayors or local councillors switching sides or resigning. The cases where councillors and mayors have formally switched sides are also indicative of the still continuing habit among some local officials of supporting the ruling power whoever that may be. However, other cases are clearly the result of coercion, which is unacceptable in a democratic society.

17. The authorities concede that local supporters have put pressure on local officials to resign or switch sides, but deny that this was centrally organised or sanctioned. Moreover, they assert that, even if politically questionable, none of the calls on the local authority members has been outside the limits of the law. However, even if the ruling majority did not centrally organise or sanction these activities, in our view it did not do all it could resolutely to stop such lamentable practices. We therefore urged the ruling majority to make unambiguous public statements to their supporters that any undue pressure on local officials belonging to the opposition will not be tolerated. We welcome the clearly expressed willingness of the leadership of the ruling majority to do so.

18. It is important also to note positive developments that underscore that cohabitation can work effectively when the required political will from both sides is present. As we already mentioned, President Saakashvili waived his right to select a number important ministers as well as the Prosecutor General. Also, on 5 December 2012, President Saakashvili and Defence Minister Alasania jointly announced the appointment of a new Chief of Staff of the Armed Forces who was appointed by consensus between the President and the Government. It is hoped that similar consensus can also be achieved for still pending appointments. In addition, both the opposition and the ruling majority informed us that co-operation in the field of foreign affairs is very much possible, as only small differences exist between the main tenets of the foreign policies of the current and previous governments.

III. Prosecution of former government members and ministerial officials

19. Following the elections, a number of leading members of the opposition and ministerial officials were arrested for alleged crimes committed under their responsibility during their tenure in office. The United National Movement has decried these arrests as political prosecutions and as revanchist justice. For its side, the authorities have stressed that no selective or political motivated justice will take place in Georgia, but that these persons are accused of serious common crimes for which the authorities have sufficient proof to warrant an investigation or initiate prosecution.

20. These arrests and prosecutions are of serious concern. They have given rise to allegations of selective and politically motivated justice and considerably raise emotions in an already politically tense climate. This is not beneficial for the political stability of the country and hinders a more pragmatic relationship between the ruling majority and the opposition.

21. While emphasising that there should be no impunity for crimes committed, including – or especially – by former and current government members, the authorities should ensure that all investigations and prosecutions are conducted impartially, with full transparency and respect for the principles of a fair trial, as enshrined in the European Convention on Human Rights. Not only should selective or politically motivated justice not take place, it should also be seen as not taking place. In addition, given the political costs – in terms of controversy and antagonism – that each arrest entails, the wisdom of prosecuting former government members and civil servants for even the smallest misdemeanours is questionable and should be discouraged. In that respect, an amnesty for such misdemeanours should be considered in order to ease the tension in the political environment.

22. The authorities have assured us that they are aware of the sensitivity of these prosecutions and have indicated that they have no interest in instigating wide-ranging investigations and prosecutions among officials of the previous government. On the other hand, they maintain that there are credible allegations that serious crimes have been committed, for which there cannot be impunity. They have emphasised that they are under immense pressure from society to see justice done and to fully investigate the crimes reportedly committed during the previous government's tenure. The Minister of Justice has stressed that the investigations and trials will fully respect the principle of a fair trial, within the meaning of Article 6 of the European Convention on Human Rights. The authorities have invited the Council of Europe, or any other interested international organisation, to monitor the legal proceedings.

IV. Parliamentary resolution on political prisoners and ad hoc investigation Committee

23. On 5 December 2012, the Parliament adopted a resolution in which it recognised 190 persons as political prisoners and another 25 as “political exiles”. This list of political prisoners and exiles was ostensibly compiled from several lists provided by Human Rights NGOs of cases that were deemed problematic and politically motivated, and is based on the definition of political prisoners as adopted by the Assembly at its October 2012 part-session.

24. The list itself and the manner in which it was compiled are controversial. While it indeed includes a number of cases that were widely flagged as problematic and possibly politically motivated by Human Rights NGOs – including a select number of cases that were reportedly flagged as such by former Human Rights Commissioner Hammarberg – other cases on this list are completely new, with no information justifying their inclusion. Two reputable Human Rights NGOs, the Georgian Young Lawyers Association (GYLA) and Article 42, dissociated themselves from this list when they were not given the possibility to evaluate the background information regarding the cases that were new to them.

25. In addition, this resolution is problematic for various other reasons. First of all, we are concerned that the parliament may have overstepped its own constitutional role by declaring these persons political prisoners and exiles without proper judicial review. Secondly, the parliament has officially declared these persons to be political prisoners and political exiles, but lacks the legal instruments to free these persons or to halt their prosecution. This raises questions about the legality of the continued detention of persons mentioned on this list. We have therefore called upon the authorities without delay to subject all the cases mentioned in this resolution to proper judicial review before any action is undertaken or formal status conferred. This is especially important given the controversial nature of the list of cases mentioned in the resolution of the parliament.

26. The parliament has recognised the contradiction of having persons it has declared as political prisoners continuing to serve prison sentences. It therefore decided to add the provision of being recognised as political prisoner in the above-mentioned resolution as a condition that would make a person eligible for amnesty under the general amnesty law that is under consideration by parliament.

27. The inclusion of this provision in the Amnesty Law is politically controversial and raises important legal issues as it essentially adds an arbitrary list of individuals, convicted on widely varying grounds, to a general amnesty. Therefore, the Monitoring Committee decided, during its meeting on 12 December 2012, to ask the Venice Commission for an opinion on whether such a provision is in line with European standards.

28. The ruling majority in the parliament has argued that this provision is the only mechanism available to free the persons on the list within – in their view – a reasonable timeframe. According to the Georgian Constitution, pardons are the prerogative of the President, who understandably objects to the notion that political prisoners existed under the previous government and therefore is unlikely to pardon the persons on the list. In addition, only persons who have admitted guilt can reportedly be considered for a pardon, which would not be compatible with the notion of being a political prisoner.

29. Members of Parliament of the ruling majority had expressed their intention to establish an ad hoc investigation Commission of the Parliament to investigate a number of high profile controversial cases under the previous government, in particular the death of former Prime Minister Zurab Zhvania and the Eukidze and Girgvliani vs Georgia case.⁴ The possible establishment of such an investigation committee for these two cases is potentially of concern if this would imply that the parliament is going to place itself in the shoes of the General Prosecutor’s office, which is also investigating these two cases. Criminal investigations should be the prerogative of the General Prosecutor’s office. Only after finalisation of these cases by the prosecutor’s office should the parliament consider establishing any special committee if so needed. To our satisfaction, both Prime Minister Ivanishvili and his Minister of Justice shared our concerns and informed us that they had asked the parliamentary majority not to establish such a special investigative ad hoc Committee.

⁴ In that case, the ECtHR concluded “with particular concern how the different branches of State power – including the Ministry of the Interior, the prosecution authority, the domestic courts and the President of Georgia – had all acted in concert in preventing justice from being done in that gruesome homicide case.”

V. Prison reform and Amnesty Law

30. The independence of the judiciary and a prosecution-driven justice system in Georgia, have previously been highlighted as areas of concern for the Assembly. The deficiencies in the justice system have led to recurrent allegations of systemic miscarriages of justice and, in conjunction with the zero tolerance policy for crimes that was initiated by the previous government, have led to Georgia having one of the highest per capita prison populations in Europe. This in turn has resulted in serious overcrowding of prisons which has given rise to human right concerns.

31. The human rights situation with regard to the exceptionally, if not excessively, high prison population came to the forefront with the prisoners' abuse scandal that erupted in September 2012, when videos surfaced that documented the mistreatment and torture of prisoners in a Georgian prison.

32. The reform of the prison service and the lowering of the number of inmates are therefore priorities for the new authorities. In order to do so, the parliament is considering an amnesty law for minor crimes. At the insistence of the Minister of Justice, any convictions for trafficking of human beings or other grave or violent crimes cannot be considered for amnesty. The general amnesty law can, in principle, count on bipartisan support in the Georgian parliament, except for the already-mentioned provisions that would include the persons considered as political prisoners by the parliament, to which the opposition strongly objects.

33. The Amnesty Law was adopted by the parliament on 21 December 2012. The final law covers more prisoners than the draft adopted in its first reading, which was criticised including by a number of leading GD members. On 27 December 2012, President Saakashvili announced that he objected to the inclusion of the persons considered to be political prisoners by a resolution of the parliament, as well as to the reduction of sentences of persons convicted of particularly grave crimes, and that therefore he would not sign the Amnesty Law into force. On 28 December 2012, the parliament rejected the objections of the President and voted with 91 votes in favour to overturn the Presidential veto.⁵

34. In addition to the amnesty, presidential pardons have also been used to reduce the prison population.

35. As part of the zero tolerance for crime policy, all prison sentences are served consecutively instead of concurrently, which has considerably increased the prison population. Many persons serving long prison sentences for relatively minor crimes will be covered by the upcoming amnesty. At the same time, the authorities are considering concurrent serving of sentences, as well as the use of alternative sentences for minor crimes in order to maintain the prison population within acceptable limits. These would be in line with previous recommendations of the Assembly and should be encouraged.

36. The investigations into the prisoners' abuse scandal are still on-going. Several arrests have been made and officials replaced. We urge the authorities to investigate fully all cases of alleged mistreatment and torture, especially amidst reports that these practices may have been more widespread than previously thought.

37. The new Minister of Corrections, who is a former Ombudsman, is currently working on a number of internal reforms to establish preventive and early warning mechanisms for prisoner abuse. We strongly recommend implementing appropriate whistle-blower protection mechanisms for prison guards that come forward with information about possible prisoner abuse. The reform of the penitentiary system will be an important point of consideration for us in the framework of the on-going monitoring procedure for Georgia.

VI. Reform of the justice system and law enforcement agencies

38. Despite important reforms initiated by the previous government, the independence of the judiciary and the administration of justice have remained important points of concern for the Assembly. As mentioned in previous reports, the criminal justice system was largely prosecution-driven and the judiciary under the control of the then ruling majority. This lack of independence of the judiciary and occasional interference in the justice system actually hindered, and possibly even undermined, some of the important reforms initiated by the previous government in this field. The absence of an impartial arbiter has also lowered the public trust in the justice system and fairness of governance.

⁵ The Parliament needs a qualified 3/5 majority – 89 votes with the current composition of the parliament – to overturn a presidential veto.

39. We therefore welcome the priority given by the new government to the reform of the justice system with a view to making it truly independent from any political influence, be it from parliament or from the executive. An ambitious reform package has been drafted and sent to the parliament for consideration. Several interlocutors have expressed their satisfaction with the proposed reforms and underscored their pertinence to ensure the independence of the judiciary and the pre-eminence of the rule of law.

40. A central part of this package is the reform of the High Council of Justice, which is central to the new government's efforts to depoliticise the justice system. The new composition formula would abolish the four seats filled by MPs as well as the two Presidential appointees. In addition, court chairpersons and their deputies, as well as chairpersons of chambers and collegiums, would be barred from being elected to the High Council of Justice. This provision is opposed by the Chairman of the Supreme Court – who is the ex officio chair of the High Council of Justice – on the ground that it is discriminatory. This provision is also questioned by a number of NGOs, who have suggested that at least chairpersons of chambers and collegiums should be able to stand for election. Another topic that is causing some controversy is the provision that would terminate the terms of all current members of the High Council of Justice. GYLA has proposed that this provision should be limited to the members appointed by the parliament and President, while members appointed by the Judicial Conference⁶ would be able to remain in place for their normal term of office.

41. Care should be taken that, as a result of the speed in which these reforms are implemented, no other – new – deficiencies are built into the justice system. We therefore urge the authorities to seek the assistance of the Council of Europe, including the Venice Commission, in the elaboration of these reforms and in implementing any recommendations made in this context.

42. Similarly, the reform of the powerful Ministry of the Interior, which was seen as being heavily politicised under the previous government, is one of the priorities of the new authorities. They have proposed to abolish the Special Operations Department and Constitutional Security Department, which were at the centre of a number of allegations of misconduct. A bureau for Strategic Reform and Development has been established in the Ministry to guide the on-going reform process. While welcoming any reforms that aim to increase the transparency and accountability of the law enforcement agencies and the Ministry of the Interior – which we have recommended on a number of occasions in previous reports – we call upon the authorities not to dismantle without reason the important reforms of the previous government that have largely eradicated low level corruption in the police forces and ensured the efficient functioning of the law enforcement agencies.

VII. Other issues and concluding remarks

43. Under the previous government, the policies with regard to minorities and the repatriation of the deported Meskhetian population were co-ordinated by the National Security Council, which played an important role in furthering these issues on the government's agenda. It is not yet clear under the new government who will be responsible for the co-ordination of the further development and implementation of these policies.

44. We urged the authorities to clarify quickly the responsibilities for these policy areas, which directly relate to accession commitments. This is especially important in the context of a number of regrettable statements by individual Georgian Dream members that could cast doubt on the commitment of the new authorities to these policy areas. For their part, the authorities stressed their commitment to these policy areas, including to the ratification of the European Charter for Regional or Minority Languages, which is one of the remaining accession commitments of Georgia.

45. There will be no dramatic changes in the foreign policy of Georgia following the entry into power of the Georgian Dream government. Like its predecessor, the Georgian Dream administration is strongly committed to further European integration and to NATO membership. It has ruled out the re-establishment of any diplomatic relations with Russia as long as the territorial integrity of Georgia has not been restored. At the same time, it has indicated that it wishes to improve relations with the Russian Federation in other areas that are not directly related to the on-going conflict over the breakaway regions of South Ossetia and Abkhazia. Prime Minister Ivanishvili has appointed a special envoy for relations with the Russian Federation. This envoy has met with high level officials from the Russian Ministry of Foreign Affairs in the framework of the Geneva Talks. We hope that Russia will react positively to these initiatives of the Georgian authorities. Regrettably, the reactions have, until now, been reluctant. A possible positive development would be the

⁶ The judicial Conference is the self-governing body of Georgian judges.

lifting of the trade embargo on Georgian products by the Russian authorities, which would give a boost to Georgia's economy.

46. Georgia is at a very important stage of its development. Despite the current tensions and difficult cohabitation, we remain confident that the ruling majority and opposition will be able to transform these processes into a catalyst for Georgia's further democratic consolidation.

APPENDIX 1

Programme of the fact-finding visit to Tbilisi and Kutaisi (5-7 December 2012)

Mr Boriss CILEVICS, member of Parliament

Mr Bas KLEIN, Secretary of the Monitoring Committee of the Parliamentary Assembly

Wednesday, 5 December 2012

- 12:30 Briefing by Ms Caterina BOLOGNESE, Head of the Council of Europe office in Georgia
- 14:00 NGO roundtable, Democracy and Human Rights NGOs
- 15:30 Meeting with representatives of the European Centre for Minority Issues
- 17:00 Meeting with Mr Zurab KHARATISHVILI, Chairman of the Central Election Commission
- 18:00 Meeting with Ms Tea TSULUKIANI, Minister of Justice of Georgia
- 19:00 Meeting with Mr Irakli GHARIBASHVILI, Minister of Internal Affairs of Georgia
- 20:30 Dinner with representatives of the Diplomatic Community in Georgia

Thursday, 6 December 2012

- 09:00 Departure for Kutaisi
- 12:00 Meeting with Mr David USUPASHVILI, Chairman of the Parliament of Georgia
- 13:00 Lunch hosted by Mr Tedo JAPARIDZE, Chairman of the Foreign Affairs Committee of the Parliament of Georgia
- 15:00 Meeting with "The Georgian Dream" faction representatives
- 15:35 Meeting with "The United National Movement" faction representatives
- 16:10 Meeting with "The Georgian Dream-Republicans" faction representatives
- 16:45 Meeting with the Georgian Parliamentary Delegation to the Parliamentary Assembly of the Council of Europe
- 17:45 Meeting with "The United National Movement-Regions" faction representatives
- 18:20 Meeting with "The United National Movement-Majoritarians" faction representatives
- 18:45 Meeting with "The Georgia Dream-Democrats" faction representatives
- 19:30 Departure for Tbilisi

Friday, 7 December 2012

- 09:30 Meeting with Mr Bidzina IVANISHVILI, Prime Minister of Georgia
- 12:00 Meeting with Mr Paata DAVITAIA, Political Union of European Democrats of Georgia
- 13:00 Working lunch with Mrs Ketevan TSIKHELASHVILI, Deputy State Minister of Georgia for Reintegration
- 15:00 Meeting with Mr Alex PETRIASHVILI, State Minister of Georgia on European and Euro-Atlantic Integration

- 16:00 Meeting with Ms Natia IMNADZE, Head of the prevention and monitoring department, and Ms Sophie BENIASHVILI, Head of the Justice Department, of the Office of the Public Defender of Georgia
- 17:00 Meeting with Mr Giorgi BOKERIA, Secretary of the National Security Council of Georgia
- 18:00 Meeting with Mr Davit ZALKALIANI, Deputy Minister of Foreign Affairs of Georgia
- 19:15 Press conference
- 20:00 Dinner hosted by Mr Sozar SUBARI, Minister of Corrections and Legal Assistance of Georgia

APPENDIX 2

Statement by the PACE Rapporteur for Georgia: political majority and opposition should make cohabitation work

Strasbourg, 11.12. 2012 - Following his visit to Tbilisi and Kutaisi from 5 to 7 December, Boriss Cilevics (Latvia SOC), co-rapporteur of the Assembly for Georgia, called on the political majority and opposition to fully respect each other's constitutional roles and, in the interest of all Georgian citizens, ensure that the cohabitation between President and Government works. He called on all political forces to overcome the polarisation and rhetoric that had characterised the election campaign and to refrain from any actions that would needlessly increase tensions in the political environment. In this context he welcomed assurances by the ruling majority that clear messages would be given to their supporters that any undue pressure on local officials belonging to the opposition would not be tolerated.

During the visit, Mr Cilevics expressed the rapporteurs' concerns about the recent arrests of a number of former government officials. Mr Cilevics emphasised that there should be no impunity for any crimes, irrespective of who committed them. However, at the same time, he called upon the authorities to ensure that no selective or revanchist justice take place and that all investigations and prosecutions be conducted impartially, with full transparency and respect for the principles of a fair trial as enshrined in the European Convention on Human Rights. "These processes should not only be fair and impartial, they should be equally be seen as such" emphasised Mr Cilevics.

In the same vein, he cautioned the Parliament not to inadvertently overstep its own constitutional role and expressed his hope that all the cases on the list of alleged political prisoners that had been adopted by the parliament, would receive proper judicial review before any action was undertaken or final status conferred. Given the seriousness of this issue, such a review should take place without any further delay. The rapporteur welcomed the many reform initiatives taken by the new authorities, especially those to combat impunity and strengthen the independence of the judiciary, which are important priorities in the on-going monitoring procedure for the country. He also welcomed the willingness of the authorities to explore possibilities to improve relations between Georgia and Russia.