

## Statement of Tedo Japaridze, Chairman of Foreign Relations Committee Parliament of Georgia

Kutaisi, 05 August 2014

A number of Georgia's international partners and esteemed friends have recently expressed concern at the filing of criminal charges by the Chief Prosecutor of Georgia against Mikheil Saakashvili and other senior figures of the previous administration.

We would like to clarify the situation, respond to the unfounded concerns of some of our friends, and call on them for their continued support for Georgia's democratic reform process.

The office of the Chief Prosecutor of Georgia has issued brief public statements regarding the recent charges issued.<sup>1</sup> In line with the principle of the autonomy of justice, we will refrain from commenting upon the substance of the case made by the Chief Prosecutor's Office. The very same principle should also constrain our friends abroad from such comment, unless there are grounds to suggest that the legal process violates the due process (a regrettably common practice during the nine years of the previous regime), in which case the rule of law as such is being challenged. Should this be the case, such allegations must be accompanied by concrete evidence.

As EUHR Ashton and Commissioner Füle note, "While none is above the law, prosecutions in Georgia should be transparent, proportionate, free of political motivation, and adhering strictly to due process."<sup>2</sup> This echoes the longstanding position that "The EU fully respects the pledge of the new government to the Georgian people to address any legacies of the past, and we trust that this will be done in full conformity with Georgia's international obligations and European values. Ensuring that justice is fair and free of any political interference is of paramount importance, but of course without allowing impunity either."<sup>3</sup> Therefore, those challenging the rule of law in Georgia must substantiate the claim that either certain individuals are beyond the reach of justice or that due process is being violated to achieve political retribution.

Both are very serious accusations against a partner country, especially when they emanate from our European partners. European integration is the cornerstone of Georgia's foreign – and, since the signature of the Georgia-EU Association Agreement – domestic policy. Georgia's desire for deeper EU and Euro-Atlantic integration has driven deep and comprehensive reforms which have, over the last decade, transformed our country beyond recognition. Along with the US and NATO, the EU and its member states have provided material support, as well as mentored and monitored this painstaking transition process in Georgia. Nonetheless, democratic consolidation is not achieved merely by meeting a set of benchmarks. Consolidation, ultimately, requires confidence in due process, that is, a deep conviction that no one is above or beyond the law. Such confidence requires first and foremost the due and full investigation into all human rights abuse claims, and timely prosecution of past, present and future authorities who may have abused the power of their office, in a system that both checks and balances power. The importance of this principle of rule of law and accountability for past human rights violations was only last week recalled by the UN Human Rights Committee in its concluding observations

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<sup>1</sup> Prosecutor's Office of Georgia, *Charges filed against Mikheil Saakashvili by the Office of the Chief Prosecutor of Georgia*, 28 July 2014, available at: [http://pog.gov.ge/eng/news?info\\_id=518](http://pog.gov.ge/eng/news?info_id=518); *Statement of the Office of the Chief Prosecutor of Georgia: Charges against M. Saakashvili & I. Merabishvili relating to the 29 June 2005 violent attack on Member of Parliament Valeri Gelashvili*, 05 August 2014, available at: [http://pog.gov.ge/eng/news?info\\_id=523](http://pog.gov.ge/eng/news?info_id=523)

<sup>2</sup> European External Action Service, *Statement by the Spokespersons on criminal charges being filed against former President of Georgia Mikheil Saakashvili*, 31 July 2014, available at: [http://www.eeas.europa.eu/statements/docs/2014/140731\\_01\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140731_01_en.pdf)

<sup>3</sup> Remarks to the press by Commissioner Štefan Füle following the meeting with Georgian President Mikheil Saakashvili in Tbilisi, 09 July 2013, available at [http://ec.europa.eu/commission\\_2010-2014/fule/headlines/news/2013/07/20130709\\_2\\_en.htm](http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/07/20130709_2_en.htm)

on Georgia.<sup>4</sup> This document calls on the Georgian State to pursue prosecutions for a number of incidents of abuse under the former regime, including specifically the “violent dispersal of peaceful demonstrations on 7 November 2007 – one of the cases at hand. I would also refer you to the many human rights reports detailing the circumstances of the incidents under investigation, including the Human Rights Watch report of December 2007.<sup>5</sup> Finally, it should also be noted that the work of the Georgian Office of the Chief Prosecutor and the range of Georgian authorities benefits from extensive international support and oversight, including from EU Special Advisor Thomas Hammarberg.

It is important to note that the question of “retributive justice” raised by some commentators is quite beyond the scope of these cases. “Retribution” is a process that implies retrospective application of norms that have been adopted *post facto*. The dilemma is often raised in cases of regime change, often by evoking international law. In this case, the Chief Prosecutor is merely pursuing cases that were simply ignored in the past due to widespread impunity, on the basis of established norms, thereby embarking on a process of restoring public confidence in the rule of law. It should be recalled that one of the main factors contributing to the first change of government by means of legislative elections in 2012 were testimonies of politically motivated and systemic torture, verified by video footage that has not as yet been discredited. Such allegations can be rebuked, but not ignored.

Together with our European partners, we have invested great time, resources and personal commitment into putting in place the norms and build the framework for rule of law in Georgia. We trust that, further to a review of the case at hand, they along with all our international friends, will provide the continued support and oversight to help ensure that justice and the rule of law in Georgia now move from theory to practice.

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<sup>4</sup> United Nations Human Rights Committee, *Concluding Observations on the fourth periodic report of Georgia – Advance unedited version*, 23 July 2014, available at: [http://www.ccprcentre.org/doc/2014/07/CCPR\\_C\\_GEO\\_CO\\_4\\_17702\\_E.doc](http://www.ccprcentre.org/doc/2014/07/CCPR_C_GEO_CO_4_17702_E.doc)

<sup>5</sup> Human Rights Watch, *Crossing the Line: Georgia’s Violent Dispersal of Protestors and Raid on Imedi Television*, December 2007, available at: <http://www.hrw.org/reports/2007/12/19/crossing-line>