

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



NGOs urge the Minister of Justice and the Prime Minister to direct the process of appointing the General Prosecutor of Georgia in a responsible way

On December 30, 2013, the General Prosecutor of Georgia, Mr. Otar Partskhaladze resigned. The developments around the former General Prosecutor, including

questions regarding his criminal record and legal education, clearly showed significance of selection process and underlined responsibility of relevant authorities involved in this process, in particular the Minister of Justice and the Prime Minister.

According to Para.3 Clause a) Article 9 of the Georgian Law on Prosecutor's Office, "the General Prosecutor organizes and directs activities of the Prosecutor's Office. He/she is responsible for the activities of the Prosecutor's Office." Therefore, the General Prosecutor should enjoy morally and professionally high reputation. Otherwise, not only will the criminal justice process be endangered, but also trust of society will decrease towards this institution. In view of above, it is important to thoroughly study biography, experience and educational background of each candidate, as well as their views on solving the existing problems and implementing reforms in the Prosecutor's Office. It is also important for the society to be aware of the principles and values applied in selection of the new candidate of the General Prosecutor.

According to Para 1, Article 9 of the Georgian Law on Prosecutor's Office, "The General Prosecutor's Office is headed by the General Prosecutor, who is appointed and dismissed by the Prime Minister with a submission from the Minister of Justice". It is beyond doubt, that the law places special competence on the Minister of Justice in selection of the General Prosecutor. In view of this, the statement of the Minister of Justice Ms. Tea Tsulukiani on the First Channel of the Public Broadcaster is disappointing: "It is the Prime Minister of Georgia who is involved in the selection process of the General Prosecutor. I am not aware of the names of the candidates the Prime Minister might be considering." This statement illustrates that executive government grants participation of the Minister of Justice in the selection process of the General Prosecutor only a formal meaning, which prejudices the true context of the law.

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The Georgian legislation requires that the Minister of Justice herself take the responsibility for selecting the candidate of the General Prosecutor. Joint participation of the Prime Minister and the Minister of Justice in this process is a guarantee that morally and professionally suitable person will be appointed as the General Prosecutor. The statement of the Minister of Justice illustrates, that despite the requirement of the law, she is detached from the selection process. All of the above-stated makes us to contemplate that the Prime Minister of Georgia aims to select the candidate of the General prosecutor authoritatively.

We urge the Minister of Justice and the Prime Minister to act in accordance with the requirements of the Georgian Law on Prosecutor's Office and to engage in the selection and appointment process of the General Prosecutor with an adequate responsibility.

Georgian Young Lawyers Association (GYLA)

Transparency International Georgia (TI Georgia)

Georgian Democracy Initiative (GDI)

Georgian Bar Association

International Society for Fair Elections and Democracy (ISFED)

Article 42 of the Constitution

Human Rights Education and Monitoring Center (EMC)