

Nongovernmental organizations react to charges against former president Saakashvili

We would like to respond to the decision by the Georgian Chief Prosecutor's Office to bring criminal charges against the former president of Georgia and other high-ranking officials.

We would like to state unambiguously that every person is equal before the law. Respecting the principles of the rule of law and building a state founded upon the rule of law require effective fight against impunity and consistent endorsement of the principles of law in this process. Moreover, criminal justice does not allow for any exceptions for former high-ranking officials. Aspiring for the establishment of the rule of law implies excluding such exceptions in practice as well. The Prosecutor's Office does not simply have a right but also a duty to investigate possible crimes by former and present officials and to bring charges against the relevant individuals. Calling high-ranking officials to justice can be considered a means for the prevention of future abuses.

We believe that it is important for the investigative bodies to examine the multiple cases of violation of human rights that occurred in previous years since no one has been called to justice over those cases so far (Paragraphs 11 and 12 of the UN Human Rights Committee's report). We have always stated our position that it is necessary to conduct a comprehensive and objective investigation of the 7 November events as a major instance of violation of human rights, as well as of the subsequent developments (sale of the Imedi TV station and other matters). Law enforcement units clearly resorted to excessive use of force against protesters during the 7 November 2007 events. The protesters' actions did not constitute the grounds for the police or the representatives of the local government body to end the rally by force since the protesters had not violated the law. Moreover, there are known cases of unlawful action against opposition representatives, civil activists, and even the public defender.

The change of ownership in Imedi in ambiguous circumstances which followed a police special unit raid on the TV station and the suspension of its broadcasts also raised many questions.

We support timely and adequate investigation of human rights violations and making the perpetrators liable under law. However, when the case involves former senior level public officials and especially the former president, it is fundamental that law enforcement agencies and the Prosecutor ☐ Office in particular clearly demonstrate their adherence to the principles of political neutrality, independence and rule of law, an obligation which is also outlined in the latest report of the UN Human Rights Committee (UN Human Rights Committee Report, Paragraph 11). The CSOs have raised questions on a number of high profile criminal cases involving former public officials. A noteworthy fact here is that the former president Saakashvili was summoned as a witness by Prosecutor ☐ Office and immediately after failing to report back he was charged, a fact that raises questions about the real need of summoning Saakashvili as a witness.

In order to have a due process, it is important that law enforcement bodies act in compliance with standards of transparency, provide citizens with adequate information on the cases of high public interest during the course of the investigation so that they are able to monitor if the law is being followed. In addition, the acting public officials should ensure that the presumption of innocence is observed and that those charged have full access to fair justice. Political statements should not hamper this process and influence the outcome of the investigation.

We therefore believe that, while investigating high profile criminal cases, the Georgian government should uphold the principles of rule of law, transparency and accountability to make sure that there is no political retribution involved. This would contribute to Georgia ☐ peaceful and democratic development in the wake of power transition following the 2012 parliamentary elections.

Georgian Young Lawyers' Association
Transparency International Georgia
Human Rights Education and Monitoring Centre (EMC)

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International Society for Elections and Democracy (ISFED)
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