

Kutaisi, 05 August 2014

The Georgian Dream Faction in the Parliament of Georgia is shocked by the factually incorrect and prejudicial statement of the European People's Party following the filing of criminal charges by the Chief Prosecutor of Georgia against Mikheil Saakashvili and other senior figures of the previous administration. This concern is shared by the wider Georgian Dream Coalition.

In this statement of 01 August 2014, Vice President of the European People's Party, Jacek Saryusz-Wolski, states that the charges against Mr. Saakashvili are "unjustified", that they are "in relation to his work of [sic] in Ukraine in support of Ukraine's new government", that they are "politically motivated" and that they "reveal that the government is not taking seriously the [Association Agreement]".

Firstly, the assertion that the charges are related to Mr. Saakashvili's recent activities in Ukraine is blatantly incorrect, moreover, it is offensive and politically unbalanced. The charges issued by the Office of the Chief Prosecutor are related to two incidents of alleged abuse of power leading to grave human rights abuses (Article 333 §3 of the Georgian Criminal Code), during the tenure of Mr. Saakashvili as President of Georgia. These are namely (1) the brutally violent dispersal of mass anti-government protests on 7 November 2007; and (2) raids conducted against the private TV Company IMEDI by riot police in November 2007 and its illegal expropriation by the State.

Secondly, the assertion that the charges are "unjustified" implies a judgment on the substance of the case that it is for no other entity than the justice system of Georgia to deliver. As noted, the charges allege human rights abuses that are very serious in nature, which, according to the law of Georgia, the Office of the Chief Prosecutor is legally bound to investigate; the Prosecutor is equally bound to prosecute before a court of law those whom evidence suggests to be responsible. It should be noted that the international community and NGOs have strongly and consistently called for the full and timely investigation into the incidents in questions (see for example 2007 reports from [Human Rights Watch](#), [International Crisis Group](#), [Transparency International Georgia](#), [Amnesty International](#) as well as the [Council of Europe](#) and [UN High Commissioner for Human Rights](#)).

Let me also recall, that The European Parliament, with the support of the European People's Party, passed a Resolution on 29 November 2007 which "Call[ed] on the Georgian authorities to carry out a thorough, impartial and independent investigation into the serious violations of human rights and freedom of the media, notably the allegations of excessive use of force by law enforcement officials, in order to identify all those responsible, bring them to trial and apply the penal and/or administrative sanctions provided for by law.

Thirdly, if Mr. Saryusz-Wolski or the European People's Party believes the charges to be "unjustified" because "politically motivated", this is a very serious allegation against the State of Georgia, challenging the rule of law in our country, which demands to be itself justified and accompanied by concrete evidence. It has always been our understanding that, as stated by Commissioner Füle, "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.”¹Therefore, those challenging the rule of law in Georgia must substantiate the claim that due process is being violated. At this time there is no evidence to support the claim of the European People’s Party that the legal process against Mr. Saakashvili violates due process. We are not willing to concede, that European People’s Party Vice President calls for certain individuals to stand above the law.

Finally, the assertion that the charges against Mr. Saakashvili “reveal that the government is not taking seriously the [Association Agreement]” with the European Union is highly surprising. We remind you that the charges against Mr. Saakashvili have been brought by the Office of the Chief Prosecutor, and not by the government of Georgia. We recall that ensuring the rule of law and full equality before the law is a key European value. Also, we point out that the Georgian institutions have, since the 2012 parliamentary elections, implements very substantial and wide-ranging reforms to meet European standards. These include a Human Rights Strategy and Action Plan, comprehensive anti-discrimination legislation, reforms to the electoral code, the criminal code, and much more. The Parliament of Georgia on 18 July ratified the Association Agreement with the EU and its full and rapid implementation is a top priority for all Georgian institutions.

Both Georgia and the European Union have invested greatly in the process of democratisation and institution-building which has brought our relations this far and benefited both parties greatly. We trust that this process will not be called into question and that our European People’s Party colleagues along with all European friends, will provide the continued constructive support and oversight over Georgia’s efforts to establish the rule of law; support and oversight, that will be objective and unbiased. It is inadmissible, that European People’s Party’s political solidarity with the United National Movement to be expressed in demands for disregard of the rule of law and disrespect towards people of Georgia.

¹ 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