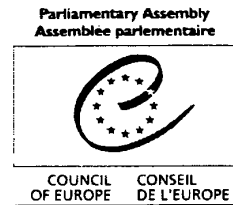


## Parliamentary Assembly Assemblée parlementaire



**Doc. 10383**  
21 December 2004

### **Honouring of obligations and commitments by Georgia**

#### Report

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

Co-rapporteurs: Mr Matyas Eörsi, Hungary, Liberal, Democratic and Reformers' Group and Mr Evgeni Kirilov, Bulgaria, Socialist Group

#### *Summary*

The extent of corruption and lawlessness in Georgia under the previous government resulted in the extraordinary character of the transition – the *Rose Revolution*. A year later, it is time to normalise the situation and bring the political process firmly back to the country's institutions. The post-revolutionary situation should not become an alibi for hasty decisions and neglect for democratic and human rights standards. The priority is to build solid and lasting foundations for a stable, prosperous and democratic Georgia for the generations to come. The Assembly therefore asks the authorities to create conditions in which a strong and efficient system of democratic checks and balances will emerge and begin to function.

In Resolution 1363 adopted in January 2004, the Parliamentary Assembly agreed to re-consider deadlines for Georgia's commitments to the Council of Europe as a sign of understanding and support to the new authorities. It should however be clear from the outset that there will be no subsequent negotiations and extensions and that the Assembly expects the Georgian Government to honour their promises fully and in time.

## I. Draft resolution

1. A year after coming into power, the new Georgian authorities continue to demonstrate an unyielding resolve to carry out far-reaching political, legal, social and economic reforms. They continue to enjoy broad support by the general public and the international community. The authorities' achievements so far, and notably the peaceful reintegration of Adjara, are positive developments but the authorities should maintain and accelerate the momentum of reforms in accordance with Council of Europe standards and principles.
2. The Government's efforts to carry out reforms are conducted against the background of persisting instability in South Ossetia and Abkhazia. The co-rapporteurs fully understand the problems the authorities are facing because of the unresolved conflicts with the two break-away regions. They urge the Georgian leadership to maintain their restrained approach and continue to seek a peaceful, political solution. At the same time, it is essential to preserve the momentum of political and economic reforms. A successful, open, tolerant and democratic Georgia is the best asset in the efforts to peacefully resolve the confrontation with the present South Ossetian and Abkhaz regimes and restore the country's territorial integrity.
3. Full compliance with membership obligations will help Georgia to reinforce its political stability and democratic security. The list of remaining commitments contains obligations related to virtually every major challenge Georgia is facing today, from the fight against corruption, the protection of human rights and rights of minorities, the reform of the judiciary to the efforts to restore the territorial integrity of Georgia through peaceful means.
4. In Resolution 1363 adopted in January 2004, the Parliamentary Assembly agreed to re-consider deadlines for Georgia's commitments to the Council of Europe as a sign of understanding and support to the new authorities. These deadlines are listed in paragraph 8 below. It should however be clear from the outset that there will be no subsequent negotiations and extensions and that the Assembly expects the Georgian Government to honour their promises fully and in time.
5. The extent of corruption and lawlessness in Georgia under the previous government resulted in the extraordinary character of the transition – the *Rose Revolution*. A year later, it is time to normalise the situation and bring the political process firmly back to the country's institutions. The post-revolutionary situation should not become an alibi for hasty decisions and neglect for democratic and human rights standards. The priority is to build solid and lasting foundations for a stable, prosperous and democratic Georgia for the generations to come.
6. The *Rose Revolution* and the two subsequent elections resulted in a very strong government, which may be an asset in dealing with the country's political, economic and security problems, provided that a strong government is accompanied by a strong and functioning system of checks and balances. This is not yet the case. Today, Georgia has a semi-presidential system with very strong powers of the President, basically no parliamentary opposition, a weaker civil society, a judicial system which is not yet sufficiently independent and functioning, underdeveloped or non-existing local democracy, a self-censored media and an inadequate model of autonomy in Adjara.
7. The Assembly therefore asks the authorities to create conditions in which a strong and efficient system of democratic checks and balances will emerge and begin to function. They should have a positive attitude to dialogue and be open to advice and engage in public discussions on critical voices. In the present circumstances this is one of the key requirements for the success of the reforms.

8. The Assembly, after having consulted the Georgian authorities, sets the following deadlines for the compliance with commitments and obligations and asks Georgia to:
- i. with regard to Council of Europe conventions:
    - a. sign and ratify the European Charter for Regional and Minority Languages and the European Outline Convention on Transfrontier Co-operation before September 2005;
    - b. ratify the Revised European Social Charter and the Framework Convention for the Protection of National Minorities before September 2005;
  - ii. with regard to constitutional issues:
    - a. commit itself to the creation of a second parliamentary chamber to provide for the representation of its autonomous regions at the State level, once South Ossetia and Abkhazia are politically and administratively reintegrated into Georgia;
    - b. substantially and without any delay revise the recently adopted autonomous model for Adjara, in line with the Opinion of the Venice Commission;
  - iii. with regard to the Meskhetian population – create, without any further delay, legal, administrative and political conditions for the start of the process of their repatriation with a view to its completion in the foreseeable future;
  - iv. with regard to the 1990-1994 conflicts:
    - a. adopt a legal framework for the restitution of ownership and tenancy rights or compensation for the property lost during these conflicts by September 2005;
    - b. ensure that internally displaced persons enjoy equal rights with the rest of the population, particularly when it comes to employment and housing;
  - v. with regard to local self-government – complete the territorial and administrative reform in time before the next local elections and ensure it is carried out in line with the European Charter of Local Self-Government, especially when it comes to the election of all mayors;
  - vi. with regard to the functioning of the judiciary and the police:
    - a. complete the reform of the judicial system, the public prosecutor's office and the police, in strict compliance with Council of Europe standards and in close co-operation with Council of Europe experts;
    - b. introduce further reforms to the Council of Justice in order to prevent any undue interference of the executive in the administration of justice;
  - vii. with regard to the fight against corruption – intensify efforts to eradicate this phenomenon through long-term structural measures, in line with the GRECO recommendations and in full respect for the rule of law and human rights;
  - viii. with regard to the rule of law and human rights:
    - a. critically review the present practice of the "plea bargaining" system which – in the present form – on the one hand allows some alleged offenders to use the proceeds of their crimes to buy their way out of prison and, on the other, creates the risk for arbitrary, abusive and even politically motivated application;

- b. consider urgent measures to alleviate the dramatic overcrowding in prisons, including through amnesty for some vulnerable categories of prisoners, such as ill, young and elderly offenders;
- c. eradicate the "culture of violence" which continues in Georgian prisons and pre-trial detention centres, through effective preventive measures, systematic investigation of allegations and forceful sanctioning of proven incidents;
- d. immediately eradicate all forms of torture.

9 The Assembly recalls that the decision to reconsider these deadlines for Georgia's commitments, taken in January 2004, was a result of the extraordinary circumstances that occurred in the country. Consequently, this decision should in no way be considered as a precedent for reconsidering deadlines set by the Assembly in its opinions concerning the accession of other member countries.

10. In order to consolidate the system of democratic checks and balances, the Assembly asks the Georgian authorities to review the constitutional changes of February 2004, by taking into account the Opinion of the Venice Commission, especially with regard to the strong powers of the President. Before the next parliamentary elections, they should also lower the electoral threshold of 7 percent in order to create conditions for a pluralist and genuinely representative parliament.

11. The Assembly finally encourages the Georgian authorities to intensify their efforts to resolve the outstanding conflicts with South Ossetia and Abkhazia in a peaceful and political manner. At the same time, it calls on the Russian Federation to use its substantial influence to back these efforts and help to create conditions for a broad autonomy of South Ossetia and Abkhazia and the territorial integrity of Georgia. The Assembly welcomes the recent initiative for bilateral parliamentary dialogue between Russian and Georgian authorities and offers its good offices to help this initiative to bear fruit.

12. The Assembly resolves to continue its monitoring procedure and to review the compliance with Georgia's commitments and obligations in October 2005.

**II. Explanatory memorandum by the co-rapporteurs**

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## I. INTRODUCTION

2. In November 2003, massive protests following the fraudulent parliamentary elections led to the resignation of President Eduard Shevardnadze.

### A. January 2004 presidential elections

3. The presidential elections took place on 4 January 2004 and were overwhelmingly won by Mikhail Saakashvili who was, together with Nino Burjanadze and Zurab Zhvania, the main political leader of the protest movement. The new president enjoyed, and continues to enjoy, huge popular support for his programme focusing on the restoration of Georgia's territorial integrity, the fight against corruption and the rapprochement with the European Union and NATO. Both the November events and the Presidential elections are described in detail in the report on the functioning of democratic institutions in Georgia, presented to the Assembly on 28 January 2004.<sup>1</sup>

### B. An offer to negotiate new deadlines for the fulfilment of Georgia's commitments

4. With Resolution 1363 (2004), adopted on this occasion, the Assembly welcomed the peaceful character of the transition that took place in Georgia and recognised that the new authorities could not be held responsible for the failure of the previous regime to implement commitments undertaken upon accession to the Council of Europe. The Assembly therefore decided to consider new deadlines with the new Georgian authorities for the fulfilment of the commitments undertaken upon Georgia's accession to the Council of Europe, and to review those commitments.

### C. Constitutional amendments introducing a semi-presidential system

5. On 6 February 2004, the Georgian parliament adopted a set of constitutional amendments, with the declared objective to change the system of government from a purely presidential to a semi-presidential system. However the final version did not take into account suggestions contained in the opinion of the Venice Commission, prepared upon a request made by President Saakashvili in his speech to the Assembly on 28 January. The opinion recognised that the overall motive behind the revision of the Constitution was to bring Georgia closer to usual European practice, but concluded that this intention had not been fully realised. The Venice Commission, *inter alia*, considered that the amendments do not really correspond to the "semi-presidential model but often retain stronger powers for the President". For more detail see the integral text of the Venice Commission.<sup>2</sup> Following the constitutional amendments, Zurab Zhvania became Georgia's Prime Minister.

### D. March 2004 Parliamentary elections

6. New parliamentary elections were organised on 28 March 2004. While the views of the international observers on the preparation and the conduct of the elections were on the whole rather positive<sup>3</sup>, particularly against the background of the vote in November 2003, they did express concern with the fact that the vote resulted in a virtually one-party parliament. While this is largely the consequence of a weak and fragmented opposition, it is regrettable that the authorities – against the explicit advice of the Assembly<sup>4</sup> – insisted on keeping the exceptionally high threshold of 7 % to enter the parliament. As a

<sup>1</sup> Doc. 10004, Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe.

<sup>2</sup> CDL-AD(2004)004.

<sup>3</sup> See ODIHR/OSCE PA/European Parliament/CoE Parliamentary Assembly Press release of 29 March 2004 (Georgian parliamentary elections demonstrate continued progress), and the Assembly's observer delegation final report, Doc. 10151 of 26 April 2004.

<sup>4</sup> See § 8 of Resolution 1363 (2004) on the functioning of democratic institutions in Georgia, as well as the press release by the Assembly's pre-election Mission of 27 February 2004 ("Georgia after the honeymoon").

result, with only one opposition party passing the threshold, the ruling National Movement of Democrats has an almost absolute control over parliament, which raises some doubts as to the efficiency and the credibility of its control over the executive.

E. The reintegration of Adjara

7. In the first days of May, after a month long confrontation with the Georgian government, Aslan Abashidze authoritarian regime in the autonomous province of Adjara collapsed when its leader fled to Moscow. Two days later President Saakashvili established direct presidential rule in the province, pending the adoption of constitutional changes concerning Adjarian autonomy and new regional elections.

8. The election of the Supreme Council of Adjara was held on 20 June, before the adoption of the constitutional law on Adjarian autonomy. The opinion of the election observers from the Congress of Local and Regional Authorities of the Council of Europe was largely positive, with two major concerns: the accuracy of the voters list and the secrecy of the ballot. Mirroring the results of the March parliamentary vote, the Saakashvili-Victorious Ajara bloc won 28 out of 30 seats in the Adjarian Supreme Council. The Republican party – which on the occasion of these elections split with their coalition partners at the national level – won two seats as the only opposition to President Saakashvili's governing majority.

9. On the Monitoring Committee's request, the Venice Commission prepared an opinion on the proposed amendments concerning the autonomous status of the Adjara. Yet again, the advice of the Council of Europe's constitutional experts – which found that the proposed changes provided for excessive interference of Georgian state organs in the affairs of the autonomous province – did not have much of an impact on the final version, which contains most of the elements criticised by the Venice Commission<sup>1</sup>.

F. Deterioration of the situation in South Ossetia

10. In May 2004 tensions rose between the central government in Tbilisi and the regime in the breakaway region of South Ossetia. The reasons were the parliamentary elections organised in South Ossetia (unrecognised by Georgia and the international community), as well as the deployment of Georgian troops in the zone near the border with the Russian Federation. This intervention was aimed to end the illegal trade which has been the main source of income for the South Ossetian regime.

11. Tri-partite peace-keeping forces, composed of Russian, Georgian and South Ossetian troops are patrolling the area since 1992. These forces are directed by a quadripartite Joint Control Commission, with Georgian, Russian, South and North Ossetian representatives. The intervention of the Georgian troops in the area was criticised by the Russian government as a threat to the fragile peace. In the region

12. Sporadic fighting between Georgian troops and South Ossetian militia, which continued unabated also during our visit in July, risked deteriorating into a full-blown military conflict in August. The fighting ended with a ceasefire at the end of August, even though occasional incidents continued to occur.

13. The political process was re-launched when the Georgian Prime Minister Zurab Zhvania met with the South Ossetian leader Eduard Kokoity in the Russian port of Sochi on 5 November 2004. In a joint statement they expressed their commitment to a peaceful, comprehensive resolution of the conflict. They underlined that the immediate priority was to secure removal of all armed formations from the zone of conflict, apart from the joint peacekeeping battalions and local police, as a first step towards its phased demilitarization. In addition, both agreed on the need to hold further meetings between them, support measures for economic development, including the establishment of a joint economic zone and increase contacts at the parliamentary and civil society levels.

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<sup>1</sup> For the full text of the Venice Commission opinion, see CDL-AD(2004)018.

G. Situation in Abkhazia

14. Confusion reigned in the wake of the October 2004 presidential election election in the second break-away region of Georgia. The elections – unrecognised by Georgia and most of the international community with the exception of the Russian Federation – ought to have decided on a successor to the outgoing de facto president Vladislav Ardzinba. The Russian government and the Kremlin controlled media which is widely followed in Abkhazia came out strongly in favour of the current de facto Prime Minister Raul Khadzimba who run against one of his predecessors Sergey Bagapsh. The vote was surrounded by controversy with allegations of widespread irregularities.

15. It took over a week for a divided Abkhaz electoral commission to declare opposition candidate Sergey Bagapsh as the winner. The Abkhaz Supreme Court subsequently ruled that Mr Bagapsh had won the poll. But hours later – and after supporters of Mr Bagapsh's main rival had rampaged through the court building – the court reversed its decision, declaring the election invalid. President Ardzinba ordered a new poll. Mr Bagapsh and his supporters refuse to accept that and insist that he will be inaugurated as president on 6 December. Incumbent de facto Abkhaz President Vladislav Ardzinba maintains that he is not going to step down and will remain the president after December 6. In another worrying development, Abkhaz de facto Defense Minister Vyacheslav Eshba said in an interview with Russian newspaper Vremia Novostei on November 30, that Abkhazia intended to double its defence spending.

16. Recently, both sides in this political conflict agreed on resolving the crisis with new elections in which Mr Khadzimba agreed to run as a candidate for vice-presidency alongside Mr Bagapsh. This followed strong Duma pressures which included an economic embargo.

H. International community's financial support

17. On 16<sup>th</sup> June the international community pledged some 850 million Euros for Georgia at a joint European Commission/World Bank donor conference in Brussels. The amount pledged – for the period 2004-2006 – is aimed for budget support and for urgent investments in energy, governance, poverty reduction, including investments in child welfare and development, key infrastructure rehabilitation and food security

22. The present document is a report based on the visit of the co-rapporteurs to Tbilisi and Batumi from 5 to 8 July, with a view to discuss the new deadlines for the fulfilment of Georgia's accession commitments and to assess the situation in the country after the new authorities' first year in power. Particular attention will be paid to the issues of the functioning of democratic institutions, the protection of human rights, the fight against corruption and the persisting tensions with breakaway regions of South Ossetia and Abkhazia.

24. The report also includes information obtained from records of the Monitoring Committee meetings in Tbilisi on 25 and 26 October 2004 and from regular six-monthly assessments of Georgia's progress in fulfilling its commitments as a member state of the Council of Europe, prepared by the Council of Europe Directorate for Strategic Planning at the request of the Committee of Ministers.

## II. GEORGIA'S NON FULFILLED OR PARTIALLY FULFILLED COMMITMENTS

A. Conventions

26. Council of Europe legal instruments, which Georgia agreed to sign and ratify but has not yet done so, are the following:

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<sup>1</sup> CM 826th meeting, 5 February 2003, item 2.1 a.



- **Framework Convention for the protection of National Minorities** (original deadline: April 2000 for signature and ratification. Signed on 21 January 2000 but **NOT YET RATIFIED**);
- **European Charter of Local Self-Government** (original deadline: April 2002 for signature and ratification. Signed 29 May 2002 **NOT YET RATIFIED**);
- **Revised European Social Charter** (original deadline April 2002 for signature and ratification. Signed on 30 June 2000 **NOT YET RATIFIED**);
- **European Charter for Regional or Minority Languages** (original deadline: April 2000 for signature and ratification **NOT YET SIGNED NOR RATIFIED**);
- **European Outline Convention on Transfrontier Cooperation** (original deadline: April 2002 for signature and ratification. **NOT YET SIGNED NOR RATIFIED**).

28. All our interlocutors, both in the parliament and the government, assured us that Georgia has no substantial objections to the conventions on the list. There has been some hesitation with regard to the Framework Convention on National Minorities and the Charter on Local and Regional Languages. In their comments, the Georgian delegation maintains that these two legal instruments are connected with the problems of territorial integrity of Georgia and that their ratification was a "highly sensitive issue and may trigger negative public response".

30. The co-rapporteurs reiterate their position that both instruments leave ample scope for a gradual and flexible approach fully adapted to a specific situation in a given country. The ratification and compliance with the Framework Convention for the Protection of National Minorities and the Charter for Regional and Minority Languages can in no way represent a threat to the territorial integrity of any country, including Georgia. To the contrary, a failure to properly address these issues and protect the rights, including language rights of national minorities can exacerbate tensions between minorities and the majority, and therefore create a risk for the stability in the country. The co-rapporteurs therefore insist on the ratification of the Framework Convention for the Protection of National Minorities and on the signature and ratification of the Charter for Regional and Minority Languages before September 2005.

32. They co-rapporteurs also reject a more general comment, expressed by some of our interlocutors during the visit in July, that the ratification of Council of Europe conventions should wait for the adoption of national laws regulating the subject matter in question. Political and legal logic and member states practice dictate the opposite approach. They therefore insist that all Council of Europe conventions, which were the subject of Georgia's original commitments to the Council of Europe and are listed above be signed and/or ratified by the end of September 2005

B. Domestic legislation

*Legal framework for a second parliamentary chamber*

33. (Original deadline: April 2003). While this commitment remains fully valid, the co-rapporteurs and the Georgian authorities share the same opinion, i.e. that the creation of a second parliamentary chamber should be postponed until South Ossetia and Abkhazia are politically and administratively reintegrated into Georgia. When this will happen, a second chamber would provide for the representation of Georgia's autonomous regions at state level and could serve as an incentive for a peaceful, political solution to the South Ossetian and the Abkhazian conflict.

*Legal framework for the status of the autonomous territories*

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<sup>1</sup> The Georgian authorities have informed us that the parliament has recently ratified the Charter. However, the instruments of ratification have not yet been deposited with the Council of Europe Secretary General, which is the formal requirement to consider a legal treaty ratified. The ratification instruments also contain any possible reservations that Georgia may have lodged with regard to the application of the Charter on its territory.

35. (Original deadline: April 2001). The original commitment asked the Georgian authorities to enact a legal framework determining the status of the autonomous territories and guaranteeing them broad autonomy, the exact terms of which are to be negotiated with the representatives of the territories concerned. While the commitment applies generally to all autonomous territories, it is important to make a distinction between the case of Adjara on the one side, and South Ossetia and Abkhazia on the other.

38. As to Adjara, it should be noted that, unlike South Ossetia and Abkhazia, most of the region's population are ethnic Georgians, who are in favour of close links with the rest of Georgia. While this fact may serve as an argument for granting a level of autonomy lower than the one that might in future be offered to South Ossetia and Abkhazia, it cannot justify the excessively limited autonomy which was recently adopted by the Georgian parliament. The fact that the President of Georgia may dissolve the Adjarian Supreme Council if the latter repeatedly refuses to accept his candidate for the region's Prime Minister and that members of his or her executive are literally appointed by the Ministers in Tbilisi reduces the status of Adjara to a nominal autonomy with little if any practical consequence. Politically, this model is a sign of a regrettable and, in the co-rapporteurs' view, unjustified, lack of confidence in the citizens of Adjara, which revolted against the Abashidze's rule and massively supported the policies of President Saakashvili. There are no signs of lingering secessionist sentiments in Adjara and a substantial autonomy would certainly be the best protection against their hypothetical resuscitation.

40. The co-rapporteurs consider that the present level of autonomy fails to comply with the commitment undertaken upon accession and therefore strongly advise the Georgian authorities to quickly and substantially revise the recently adopted constitutional law, in line with the opinion of the Venice Commission and in dialogue and cooperation with the newly elected Adjarian representatives. The co-rapporteurs welcome the statement of the Georgian authorities that the present model of autonomy for Adjara is only transitional and that they remain open to review it in the future. The co-rapporteurs insist however that such review is carried out soon and that changes are implemented not later than by the end of 2005.

42. As opposed to Adjara, the situation in South Ossetia and especially in Abkhazia is very different. The ethnic structure is not the same as in the rest of Georgia. In recent history, both have been involved in fierce military conflicts with the central authorities, which resulted in huge human casualties, destruction of property and massive exodus of internally displaced persons. Both territories are under the control of regimes hostile to the government in Tbilisi, advocating separation and close links or even integration with the Russian Federation, which maintains military presence and exercises significant influence in both breakaway regions. A very substantial autonomy will inevitably constitute the basis of any future settlement of the two conflicts. For the time being, the co-rapporteurs wish to express their support for the Georgian government efforts to find a peaceful, political solution. At the same time, they wish to stress that an early and substantial revision of the autonomous model for Adjara could contribute to the creation of favourable climate for meaningful dialogue with South Ossetia and, at a later stage, also Abkhazia.

44. The co-rapporteurs are extremely concerned by the escalation of tensions in South Ossetia and the resulting loss of human lives, which started during their visit and continued throughout July and August. They fully subscribe to the statement by the Chairman of the Council of Europe Committee of Ministers and Norway's Minister of Foreign Affairs Jan Petersen, who reiterated the support for Georgia's sovereignty and territorial integrity and urged all parties to respect the ceasefire and exercise the utmost restraint in their actions and words. They encourage both sides to continue the political process which started with the meeting between Prime Minister Zhvania and the South Ossetian leader Eduard Kokoity on 5 November.

45. At the same time, the co-rapporteurs also call upon Russia to use its influence with the regimes in Tsinkhvali and Sukhumi to calm down the situation and help the Georgian authorities more actively in the search for a peaceful political way to restore the territorial integrity of Georgia. They strongly welcome the positive response by the members of the Russian State Duma to their call for a bilateral parliamentary dialogue and hope that the initiative announced on the occasion of the Monitoring Committee meeting in Tbilisi on 25-26 October 2004 will bear fruit.

46. The co-rapporteurs consider that, for the time being, the best course of action would be to speedily and substantially revise the autonomous model for Adjara, but to wait with the work on an autonomy model for the other two until political progress will permit to involve South Ossetian and Abkhazian representatives into the talks. Such an approach would be fully consistent with the commitments undertaken upon the accession to the Council of Europe.

*Repatriation and integration of Meskhetian population*

47. (Original deadline: April 2001 for the adoption of the legal framework, April 2002 to begin the process and April 2011 to complete the process). This is clearly one of the most sensitive and difficult issues for the Georgian authorities. In spite of its acceptance of the commitment, the previous government did basically nothing to move ahead in this matter. Moreover, during its rule the Meskhetian issue was a favourite target for some populist politicians, which resulted in the current public reluctance to accept the return of the Meskhetian population. The co-rapporteurs hear and understand the new government's argument that overcoming the strong public objection to the return will take time, but they also insist that the authorities keep in mind the tragic fate of people who have been so ruthlessly relocated six decades ago and have since been forced to live in extremely precarious conditions.

48. The co-rapporteurs welcome the authorities' intention to create a special commission with the mandate to estimate the number of families willing to return, start the process of preparation for the repatriation and to reverse the strong public objection against this process. Provided that such a commission will soon begin to work, on the basis of a detailed action plan with concrete objectives and set deadlines, the co-rapporteurs are ready to consider a 2 year extension of the deadline to complete the return process, to 2013. In this context, it should be mentioned that the Committee on Migration, Refugees and Population is currently preparing a report on the plight of the deported Meskhetian population (Rapporteur: Ruth-Gaby Vermot-Mangold, Switzerland, SOC).

*Restitution of ownership and tenancy rights or compensation for the property lost during the 1990-1994 conflicts*

49. (Original deadlines: April 2001 for legislative measures and April 2002 for administrative measures). Here again, the co-rapporteurs would advocate a more realistic and flexible approach to the original commitment. The co-rapporteurs welcome the announcement that the legal framework will soon be ready and are willing to accept April 2005 as the new deadline for compliance with this commitment. This should automatically postpone the deadline for administrative measures to spring 2006. Meanwhile, the co-rapporteurs take note with satisfaction the assurances by the Georgian authorities that Ossetians who wish to return to their original place of residency are already provided with monetary compensation and housing

51. Another related issue is the fate of the internally displaced persons who fled South Ossetia and Abkhazia and who, almost a decade after the end of the hostilities, continue to live in very difficult conditions. The co-rapporteurs are fully aware that this is largely the consequence of the limited financial resources but encourage the authorities to guarantee that the internally displaced persons enjoy equal rights with the rest of the population, particularly when it comes to employment and housing. This is not only a humanitarian and legal imperative, but also an effective way to demonstrate that South Ossetia and Abkhazia are a part of Georgia and that people from the two regions are Georgian citizens with equal rights. In this respect, the co-rapporteurs welcome the assurances by the Georgian authorities that all internally displaced persons and returnees enjoy equal rights with the rest of the population.

*Election of heads of local councils*

52. (Original deadline: April 2002). The co-rapporteurs welcome the fact that Georgian parliament has ratified the European Charter of Local Self-Government and that the work on a law on the elections of the mayor of Tbilisi has already begun. They also note that President Saakashvili has created a commission on the territorial-administrative reform of Georgia, with the objective to reduce and rationalise the current

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four-layer system of territorial organisation. The assurances that, regardless of the model chosen, all leading positions in local self-government will be elective, is very important in this respect. It is imperative that all these reforms are fully in line with the ratified Charter for Local Self-Government and in place well before the conduct of the next local elections.

*Law on minorities*

53. (Original deadline: April 2002). The authorities asked for more time on this particular commitment. As some representatives of national minorities have in the past themselves expressed doubts about the need for such a law, the co-rapporteurs are willing to consider an extension of the deadline provided that the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages are both signed and ratified by the end of September 2005. After the Council of Europe standards contained in the two conventions are in place and effectively enforced, it should be evaluated whether a specific law regulating this sensitive and crucially important matter for Georgia is still necessary or not.

*Reform of the judicial system, the public prosecutor's office and the police force*

54. This, and the following commitments are related to a process, not an event, and therefore do not have a fixed deadline. The Georgian government itself acknowledges the existence of serious problems in the functioning of law enforcement agencies and the administration of justice.

55. The co-rapporteurs welcome the assurances of the Georgian authorities that a new criminal procedure code is being elaborated by a working group in the Ministry of Justice with the participation of international experts, including those from the Council of Europe and the European Union. This new code should be ready for parliamentary procedure in the spring of 2005. When adopted, it should – according to the authorities – set new safeguards for defence rights, strict time limits for pre-trial detention, ensure speedier trials and reinforce the adversarial character of the process. This is a welcome process, provided that the solutions contained in the new law are in full compliance with Council of Europe standards.

56. The co-rapporteurs strongly encourage the authorities to continue to closely cooperate with the Council of Europe in the conduct of the reform, and to use the opportunity to submit drafts for expertise. This, and notably the extent to which Council of Europe expert opinion will be taken into account in the adoption of laws, will be an important element in the assessment of the compliance with this commitment.

57. It should also be noted that the European Union has recently deployed its first eight-resident member "rule of law mission" to Georgia, with the task to assist the Georgian authorities in the reform of the judiciary, criminal law, police and the penitentiary system. This is a welcome development which can considerably help the reform, provided that there is close co-ordination with the work done by the Council of Europe and that the joint effort is based on Council of Europe standards and Georgia's accession commitments and membership obligations. The new Council of Europe Secretary General should take concrete and immediate measures, including via the continuous deployment of international staff at the Council of Europe's office in Tbilisi, to ensure that this will be the case.

58. The co-rapporteurs have some concerns with regard to the independence of the judiciary and notably the recent reform of the Council of Justice. Following the recent changes, a majority of the Council of Justice members will now be appointed either directly by the President or by the majority which he controls in the parliament. The co-rapporteurs encourage the Georgian authorities to discuss this issue with Council of Europe experts and, if necessary, revise parts of the recently adopted law in order to dispense any doubts of its compatibility with Council of Europe standards.

59. In this context, the co-rapporteurs take note of the information provided by the Georgian delegation, according to which the recent changes affected only the number of Council members, and not the proportion between the representations of different branches of government. They welcome the intention of the Parliament to carry out further reform the Council of Justice and call on changes that will effectively prevent any undue interference of the executive in the administration of justice.

60. The co-rapporteurs are also relieved by the Prime Minister assurances that rumours on the merger between the Georgian Supreme and Constitutional Court were unfounded and that the authorities had no intentions to proceed with any such plans.

61. The co-rapporteurs also have some reservations about the growing tendency to transplant foreign, usually non-European legal models into Georgia's domestic judicial system. This, for example is the case with the recent law on plea bargaining, which tries to imitate the United States legal practice, and to which the co-rapporteurs wish to return in the paragraph on the fight against corruption.

62. It is understandable that the new government wish to make a clear break with the past and that the introduction of sweeping and creative reforms is a part of this approach. However, it is important that such reforms are not only far-reaching, but also reaching in the right direction. Their authors should therefore be aware that Georgia is a Council of Europe member state and, consequently, rely more systematically on the advice of the Council of Europe which has unparalleled experience in helping the countries in transition with their judicial reform. The effort should focus on developing a Georgian model based on European standards, and not on replicating models which may not always fit the Georgian realities nor comply with European legal principles and established practice.

#### *The fight against corruption*

63. This is one of key priorities of the new Georgian government. They deserve credit and full support for their courageous efforts to fight the problem which had reached epidemic proportions under the previous regime. The co-rapporteurs urge the government to focus on systemic and structural reforms, aimed at eradicating corruption at all levels. They consider that the creation of a new Patrol Police, with new recruits, considerably higher salaries and stringent control and disciplinary mechanisms is a good way to fight the widespread bribery in Georgian police. The authorities should also do their utmost to follow the recommendations contained in GRECO's Compliance Report on Georgia, adopted in December 2003 and authorised for publication by the Georgian authorities in May this year. Only two out the 25 recommendations it contains had been complied with by the previous government.

64. While it is clear that the authorities must take into account the public demands for immediate and decisive action in the most notorious cases of alleged corruption, the co-rapporteurs insist that popular expectations cannot justify violations of the rights of suspects and the failure to respect the basic principles of due criminal procedure. Arrests of some former officials accused of corruption were carried out in spectacular circumstances, often without warrants even in cases where there was no indication that suspects had the intention to flee. Human rights organisations reported several cases of excessive force, some arrests were filmed and images – degrading to the suspects' human dignity – were widely broadcasted on several television channels. The respect for the principle of the presumption of innocence for some categories of suspects has yet to take hold in the new Georgia.

65. The "plea bargaining" system, which makes it possible for some suspects to have their charges reduced or dropped in return for the payment of the money they have allegedly embezzled, is, to say the least, controversial. While plea bargaining is broadly used in the United States as well as in some Council of Europe member states, it usually relates to agreements by which accused persons agree to plea guilty (denounce other culprits, etc) in return for a lesser charge. The Georgian plea bargaining goes a step further and introduces a financial component into the quotation – the accused are asked to repay a certain sum, which is an approximation of what they have allegedly stolen. In return the prosecutor agrees to reduce or drop the charges. The deal must finally be approved by a judge.

66. The co-rapporteurs consider that the specificities of Georgian version of the plea-bargaining system, especially the introduction of the financial component and the seemingly arbitrary way in which it is applied to some cases and not to others, make this practice incompatible with Council of Europe standards. The system may not only create an impression that big thieves are allowed to buy an immunity from justice, but is also worrisome because the lack of legal and administrative checks and balances in the Georgian police, prosecutor services and courts create a risk for abuse. The co-rapporteurs understand that the money obtained through "plea bargaining" (some 30 million USD so far) is very important and has helped to pay for pensions and other immediate needs, but they disagree with the notion suggested by the Prosecutor General that the efficiency of justice can be measured against the budgetary income it helps to generate. After years of a widespread corruption and systematic disregard for the rule of law Georgia needs justice which is efficient and equal for all.

67. Consequently, the rapporteurs call on the Georgian authorities to immediately and substantially review the present plea-bargaining procedure, in order to bring it in line with Council of Europe standards.

*Ensuring strict observance of the human rights of detainees*

68. Ill-treatment of detainees, particularly during the pre-trial detention continues to be a major problem in Georgia and our interlocutors, including the Prime Minister, Minister of Interior and the Prosecutor General assured us that the authorities are resolved to improve the situation, through stricter sanctioning of reported abuses, structural changes and human rights training of law-enforcement officials.

69. During the recent meetings of the Monitoring Committee in Tbilisi, the members had the opportunity to visit several pre-trial detention and prison facilities. Living conditions, notably due to dramatic overcrowding, are extremely bad, which is a fact also recognised by the authorities.

70. The co-rapporteurs welcome the fact that two new prisons and a pre-trial detention centre for women are being constructed. While this will certainly help to improve the situation to some extent, the authorities should also urgently consider other measures to reduce overcrowding, notably through an amnesty for juvenile, elderly and ill inmates, as well as those serving prison sentences for minor criminal offences.

71. During their visit, representatives of human rights organisations informed the co-rapporteurs of the alleged ill-treatment of the former head of the Control Chamber (state audit), Mr Sul Khan Molashvili, arrested in May on charges of extortion and other financial irregularities. Together with a member of the Georgian delegation to the Assembly, Ms Elena Tevdoradze they visited Mr Molashvili almost immediately after they received this information, in a Detention Centre adjacent to the Ministry of Interior and the Prosecutor General's Office. Mr Molashvili confirmed that he had been ill-treated immediately after his arrest, and showed the co-rapporteurs, marks of cigarette burns on his back. He also said that he had been subjected to electro-shocks. The co-rapporteurs also inspected Mr Molashvili's cell and found that it had no light at all and that the malfunctioning plumbing in the toilet resulted in a constant very loud noise. They are of the opinion that such treatment and such conditions of detention, *per se*, constitute a treatment akin to torture and a violation of Article 3 of the European Convention on Human Rights. According to the prison warden, Mr Molashvili was transferred to this particular cell only a day earlier, on the oral instruction from the Prosecutor General. This was denied by the latter, who said that he had only ordered that Mr Molashvili be transferred from the prison hospital, to which he had been allegedly admitted through bribe, into an ordinary cell. The Prosecutor General informed us that an investigation into all allegations of mistreatment of Mr Molashvili would be carried out, and that international experts would be allowed to examine him in order to determine the origin of his injuries.

72. The co-rapporteurs welcome the authorities' readiness to investigate the allegations of ill-treatment of Mr Molashvili, including with the participation of international experts. They were told that most abuses are a result of the "culture of violence" in Georgian prisons and among law-enforcement officials. Such "culture" can, and must be stopped immediately, through systematic, transparent, credible and efficient investigations of alleged abuses and harsh sentencing of proven cases. Political leaders, including the President, should also publicly campaign against any mistreatment of detained persons. If they publicly announce that some detainees will receive "rough treatment", as has reportedly been the case with Mr Molashvili, they should be held co-responsible for any abuse that may subsequently occur. In more general terms, the co-rapporteurs strongly urge the authorities to comply with the recommendations made by the Committee for the Prevention of Torture and Inhuman and Degrading Treatment, which recently visited Georgia to complete its second periodic visit.

73. In more general terms, the co-rapporteurs welcome the recent election of the new Ombudsman, who is a prominent civil rights activist and was nominated by civil society. They also support the initiative to create civil monitoring groups at police stations throughout the country under the auspices of the

Ombudsman's Office. They also appreciate the authorities' reaction to their demand to reinstate the possibility for NGO monitoring of prison conditions, which had been abolished, but had recently began to operate again.

### III. CONCLUSIONS

74. A year after coming into power, the new Georgian authorities continue to demonstrate an unyielding resolve to carry out far-reaching political, legal, social and economic reforms. They continue to enjoy broad support by the general public and the international community. The authorities' achievements so far, and notably the peaceful reintegration of Adjara, are positive developments, but the authorities should maintain and accelerate the momentum of reforms in accordance with Council of Europe standards and principles..

75. The Georgian leadership is facing a triple challenge. Firstly, it must honour its promises to the Georgian citizens, who have high expectations with regard to the improvement of the economy and their social conditions. In a recent article published in the international press<sup>6</sup>. President Saakashvili made an upbeat assessment of the accomplishments of the first year since the *Rose revolution* but the fact is that much remains to be done. Power cuts are frequent which may have dramatic consequences with the approaching winter. Pensions may be paid on time now, but they are still too low for survival. Unemployment remains high and poverty, widespread.

76. Secondly, Georgia must work hard to consolidate the functioning of its democratic institutions and improve the protection of human rights. Some of the measures introduced by the new authorities – against international advice – are not helping the proper functioning of the system of checks and balances which is essential to the normal functioning of any genuine democracy. Such decisions include the sweeping constitutional powers of the president introduced in February 2004, the maintenance of the excessively high threshold for the entry into parliament and the subsequent elimination of any meaningful opposition and insufficient guarantees for the independence of justice. The human rights efforts of the new authorities, in spite of some positive developments, still need to be improved.

77. Thirdly, Georgia continues to be affected by the conflict with two breakaway regions. The *status quo* not only denies Georgia its right to territorial integrity, it also generates instability and distracts the authorities from their focus on the essentially important tasks of political and economic reform.

78. A full compliance with membership obligations will help Georgia to reinforce its political stability and democratic security. The list of remaining commitments contain obligations related to virtually every major challenge of the Georgian authorities, from the fight against corruption, to the protection of human rights and rights of minorities, the reform of the judiciary and the efforts to restore the territorial integrity of Georgia through peaceful political means. An early and comprehensive compliance with accession commitments therefore offers the best opportunity to meet these important challenges quickly, comprehensively and in accordance with European standards and practices.

79. The Assembly agrees to consider new deadlines for some of the commitments, as a sign of understanding and support to the new Georgian authorities. It should however be clear from the outset that there will be no subsequent negotiations and extensions, and that the Assembly expects the new government to honour the new deadlines contained in the resolution fully and in time.

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<sup>1</sup> International Herald Tribune of 30 November 2004

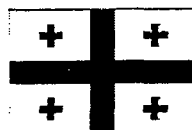
<sup>2</sup> International Herald Tribune of 30 November 2004

<sup>3</sup> International Herald Tribune of 30 November 2004.

<sup>6</sup> International Herald Tribune of 30 November 2004.



## Appendix I



## Georgia

## Treaties signed and ratified or having been the subject of an accession as of 16/12/2004

No.	Title	Opening of the treaty	Entry into force	E.	N.	C.
001	Statute of the Council of Europe	5/5/1949	3/8/1949			
	Ratification or accession: 27/4/1999		Entered into force: 27/4/1999			
002	General Agreement on Privileges and Immunities of the Council of Europe	2/9/1949	10/9/1952			
	Ratification or accession: 25/5/2000		Entered into force: 25/5/2000			
005	Convention for the Protection of Human Rights and Fundamental Freedoms	4/11/1950	3/9/1953			
	Signature: 27/4/1999		Ratification or accession: 20/5/1999			Entered into force: 20/5/1999
009	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms	20/3/1952	18/5/1954			
	Signature: 17/6/1999		Ratification or accession: 7/6/2002			Entered into force: 7/6/2002
010	Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	6/11/1952	11/7/1956			
	Ratification or accession: 25/5/2000		Entered into force: 25/5/2000			
018	European Cultural Convention	19/12/1954	5/5/1955	X		
	Ratification or accession: 25/4/1997		Entered into force: 25/4/1997			
024	European Convention on Extradition	13/12/1957	18/4/1960	X	X	
	Signature: 22/3/2000		Ratification or accession: 15/6/2001			Entered into force: 13/9/2001
030	European Convention on Mutual Assistance in Criminal Matters	20/4/1959	12/6/1962	X	X	
	Signature: 27/4/1999		Ratification or accession: 13/10/1999			Entered into force: 11/1/2000
044	Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions	6/5/1963	21/9/1970			
	Signature: 27/4/1999		Ratification or accession: 20/5/1999			Entered into force: 20/5/1999
045	Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention	6/5/1963	21/9/1970			
	Signature: 27/4/1999		Ratification or accession: 20/5/1999			Entered into force: 20/5/1999
046	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms	16/9/1963	2/5/1968			

	other than those already included in the Convention and in the first Protocol thereto					
	Signature: 17/6/1999	Ratification or accession: 13/4/2000	Entered into force: 13/4/2000			
055	Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention			20/1/1966	20/12/1971	
	Signature: 27/4/1999	Ratification or accession: 20/5/1999	Entered into force: 20/5/1999			
062	European Convention on Information on Foreign Law			7/6/1968	17/12/1969	X X
		Ratification or accession: 18/3/1999	Entered into force: 19/6/1999			
070	European Convention on the International Validity of Criminal Judgments			28/5/1970	26/7/1974	X X
	Signature: 8/6/2000	Ratification or accession: 25/3/2002	Entered into force: 26/6/2002			
085	European Convention on the Legal Status of Children born out of Wedlock			15/10/1975	11/8/1978	X X
	Signature: 7/11/2001	Ratification or accession: 30/4/2002	Entered into force: 31/7/2002			
086	Additional Protocol to the European Convention on Extradition			15/10/1975	20/8/1979	X X
	Signature: 22/3/2000	Ratification or accession: 15/6/2001	Entered into force: 13/9/2001			
090	European Convention on the Suppression of Terrorism			27/1/1977	4/8/1978	
	Signature: 11/5/2000	Ratification or accession: 14/12/2000	Entered into force: 15/3/2001			
097	Additional Protocol to the European Convention on Information on Foreign Law			15/3/1978	31/8/1979	X X
	Signature: 4/11/1999	Ratification or accession: 20/6/2000	Entered into force: 21/9/2000			
098	Second Additional Protocol to the European Convention on Extradition			17/3/1978	5/6/1983	X X
	Signature: 22/3/2000	Ratification or accession: 15/6/2001	Entered into force: 13/9/2001			
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters			17/3/1978	12/4/1982	X X
	Signature: 7/11/2001	Ratification or accession: 22/5/2003	Entered into force: 20/8/2003			
112	Convention on the Transfer of Sentenced Persons			21/3/1983	1/7/1985	X X
		Ratification or accession: 21/10/1997	Entered into force: 1/2/1998			
114	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty			28/4/1983	1/3/1985	
	Signature: 17/6/1999	Ratification or accession: 13/4/2000	Entered into force: 1/5/2000			
117	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms			22/11/1984	1/11/1988	
	Signature: 17/6/1999	Ratification or accession: 13/4/2000	Entered into force: 1/7/2000			
118	Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms			19/3/1985	1/1/1990	
	Signature: 27/4/1999	Ratification or accession: 20/5/1999	Entered into force: 20/5/1999			

121	Convention for the Protection of the Architectural Heritage of Europe	3/10/1985	1/12/1987	X	X	X
	Signature: 17/9/1999	Ratification or accession: 13/4/2000	Entered into force: 1/8/2000			
122	European Charter of Local Self-Government	15/10/1985	1/9/1988			
	Signature: 29/5/2002	Ratification or accession: 8/12/2004	Entered into force: 1/4/2005			
126	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	26/11/1987	1/2/1989	X	X	
	Signature: 16/2/2000	Ratification or accession: 20/6/2000	Entered into force: 1/10/2000			
135	Anti-Doping Convention	16/11/1989	1/3/1990	X	X	
	Signature: 2/7/2001	Ratification or accession: 22/5/2003	Entered into force: 1/7/2003			
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	8/11/1990	1/9/1993	X	X	
	Signature: 30/4/2002	Ratification or accession: 13/5/2004	Entered into force: 1/9/2004			
143	European Convention on the Protection of the Archaeological Heritage (Revised)	16/1/1992	25/5/1995	X	X	X
	Signature: 17/9/1999	Ratification or accession: 13/4/2000	Entered into force: 14/10/2000			
147	European Convention on Cinematographic Co-Production	2/10/1992	1/4/1994	X		X
	Signature: 21/11/2001	Ratification or accession: 15/10/2002	Entered into force: 1/2/2003			
151	Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	4/11/1993	1/3/2002			
	Signature: 16/2/2000	Ratification or accession: 20/6/2000	Entered into force: 1/3/2002			
152	Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	4/11/1993	1/3/2002			
	Signature: 16/2/2000	Ratification or accession: 20/6/2000	Entered into force: 1/3/2002			
155	Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby	11/5/1994	1/11/1998			
	Signature: 24/4/1999	Ratification or accession: 20/5/1999	Entered into force: 20/5/1999			
161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights	5/3/1996	1/1/1999			
	Signature: 10/5/2001	Ratification or accession: 10/5/2001	Entered into force: 1/7/2001			
162	Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	5/3/1996	1/11/1998			
	Signature: 25/5/2000	Ratification or accession: 20/6/2000	Entered into force: 21/7/2000			
164	Convention for the protection of Human Rights and dignity of the human being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine	4/4/1997	1/12/1999	X	X	X
	Signature: 11/5/2000	Ratification or accession: 22/11/2000	Entered into force: 1/3/2001			
165	Convention on the Recognition of Qualifications concerning Higher Education in the European Region	11/4/1997	1/2/1999	X	X	X
	Signature: 11/4/1997	Ratification or	Entered into			

		accession: 13/10/1999	force: 1/12/1999				
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons			18/12/1997	1/6/2000	X	X
	Signature: 17/9/1999	Ratification or accession: 13/4/2000	Entered into force: 1/8/2000				
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings			12/1/1998	1/3/2001	X	X
	Signature: 11/5/2000	Ratification or accession: 22/11/2000	Entered into force: 1/3/2001				
174	Civil Law Convention on Corruption			4/11/1999	1/11/2003	X	X
	Signature: 4/11/1999	Ratification or accession: 22/5/2003	Entered into force: 1/11/2003				
177	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms			4/11/2000			
	Signature: 4/11/2000	Ratification or accession: 15/6/2001					
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin			24/1/2002		X	X
	Signature: 25/3/2002	Ratification or accession: 18/12/2002					
187	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances			3/5/2002	1/7/2003		
	Signature: 3/5/2002	Ratification or accession: 22/5/2003	Entered into force: 1/9/2003				
190	Protocol amending the European Convention on the Suppression of Terrorism			15/5/2003			
	Signature: 15/5/2003	Ratification or accession: 8/12/2004					
194	Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention			13/5/2004			
	Signature: 13/5/2004	Ratification or accession: 10/11/2004					

46 treaty(ies) found

Notes: Convention(s) and Agreement(s) opened to the member States of the Council of Europe and, where appropriate, to the : E. : European non-member States - N. : Non-European non-member States - C. : European Community. See the final provisions of each treaty.

**Appendix II****Programme of the fact-finding visit to Georgia  
5-9 July 2004**

Co-rapporteurs: Mr Matyas Eorsi (Hungary, LDR)  
Mr Evgeni Kirilov (Bulgaria, SOC)

Secretariat: Mr Matjaz Gruden

**Monday, 5 July**

- 01.35 Arrival at Tbilisi airport  
Accommodation at Hotel Tori
- 10.00 Meeting at the Parliamentary Committee on Regional, Self-governance and Mountainous Regions Issues
- 10.45 Meeting with the Chairman of the Committee on Healthcare and Social Issues, Mr Gigi Tsereteli
- 11.15 Meeting with the Chairman of the Parliamentary Committee on Security and Defense, Mr Givi Targamadze
- 12.00 Meeting with the Chairs of the Legal Affairs Committee, Mr Levan Bezhashvili, and Human Rights Committee, Mrs Elene Tevdoradze
- 12.45 Working lunch with the Chairman of the Parliamentary Committee on European Integration, Mr David Bakradze, and Deputy Chair of the Foreign Affairs Committee, Mrs Salome Samadashvili
- 14.30 Meeting with the Chairperson of the faction "National Movement - Democrats", Mrs Maia Nadiradze
- 15.30 Meeting with the Chairman of the Parliamentary faction "The Rightist Opposition", Mr David Gamkrelidze
- 16.30 Meeting with the Minister of Foreign Affairs, Mrs Salome Zurabishvili
- 17.30 Meeting with the Minister of Security, Mr Vano Merabishvili
- 18.30 Meeting with the a member of the Supreme Court of Georgia, Mr Valeri Khrustal
- 20.30 Dinner hosted by the Georgian National Delegation to the Parliamentary Assembly.

**Tuesday, 6 July**

- 09.00 Meeting with the Chair of the Young Lawyers Association, Mrs Tinatin Khidasheli
- 09.45 Departure for the Council of Europe Office
- 10:00-10:45 Meeting with 1<sup>st</sup> group of NGOs
- 10:45-11:30 Meeting with 2<sup>nd</sup> group of NGOs
- 11:30-12:15 Meeting with representatives of Media
- 12:15-12:50 Meeting with organization of deported Meskhetians
- 13.00-14.00 Meeting with Ambassadors of Council of Europe Member States
- 15.15 Meeting with the Minister of Justice, Mr Giorgi Papuashvili
- 16.15 Depart for the State Chancellery
- 16.30 Meeting with the Prime Minister of Georgia, Mr Zurab Zhvania
- 17.45 Meeting with the Minister of Interior, Mr Irakliy Okruashvili
- 19.00 Meeting with the Chairman of the Constitutional Court of Georgia, Mr Jhoni Khetsuriani

Doc. 10383

20.30 Dinner with UNOMIG, UNHCR, OSCE and Nederlands Ambassadors

**Wednesday, 7 July**

08.45 Departure for the airport  
09.40 Departure for Batumi  
10.30 Arrival at Batumi airport  
11.00 Accommodation at Hotel Mercury

Programme in Batumi

14.00 Meeting with the Minister of Interior of Adjara, Mr David Zhgenti  
15.00 Meeting with representatives of "National Movement"  
15.50 Meeting with representatives of Republican Party  
16.40 Meeting with representatives of "Industrialists" and "Labour Party"  
17.20 Meeting with NGOs  
18.10 Meeting with the Chairman of the SEC, Mr Irakliy Paghava  
19.00 Meeting with the representative the President of Georgia to the Autonomous Republic of Adjara, Mr Levan Varshalomidze  
  
20.00 Dinner hosted by the Representative of the President to the Autonomous Republic of Adjara, Mr Levan Varshalomidze

**Thursday, 8 July**

09.00 Departure for Tbilisi  
14.00 Arrival at Tbilisi  
16.00 Press Conference (Council of Europe Office)  
  
17.00 Meeting with the Mayor of Tbilisi Mr Zurab Chiaberashvili  
18.00 Meeting with the prosecutor General of Georgia Mr Zurab Adeishvili

**Friday, 9 July**

02.15 Departure for the airport (Mr Eorsi and Mr Gruden)

**Saturday, 10 July**

04.30 Departure for the airport (Mr Kirilov)

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

*Reference to committee:* Resolution 1115 (1997) of 27 January 1997, Opinion No. 209 (1999) and Resolution 1363 (2004)

*Draft resolution* unanimously adopted by the committee on 15 December 2004, with two abstentions.

*Members of the committee:* Mrs Josette **Durrieu** (Chairperson), Mr György **Frun**da, Mrs Elene **Tevdoradze**, Mrs Hanne **Severinsen** (Vice-Chairpersons), Mr Pedro Agramunt Font De Mora, Mrs Manuela **Aguiar**, Mr Zekeriya Akçam, Mr Bakhtiyar **Aliyev**, Mr René André, Mr Giuseppe Arzilli, Mr David **Atkinson**, Mr Jaume Bartumeu Cassany, Mr Jaroslav Baška, Mrs Mertixell Batet Lamaña, Mr Jozef Bernik, Mrs Gülsün **Bilgehan**, Mr Rudolf **Bindig**, Mrs Mimount Bousakla, Mr Luc **Van den Brande**, Mr Milos Budin, Mrs Sigita Burbienė, Mr Mevlüt **Çavuşoğlu**, Mr Jonas Čekuolis, Mr Doros **Christodoulides**, Mr Boriss **Cilevičs**, Mr Georges **Colombier**, Mr Joseph Debono Grech, Mr Juris **Dobelis**, Mr Mikko **Elo**, Mr Mátyás **Eörsi**, Mr Marcel Glesener, Mr Andreas **Gross**, Mr Alfred **Gusenbauer**, Mr Michael **Hancock**, Mr Klaus-Jürgen Hedrich, Mr Andres **Herkel**, Mr Serhiy **Holovaty**, Mr Roman Jakič, Mr Jerzy Jaskiernia, Mr Erik Jurgens, Lord **Kilclooney**, Mr Evgeni Kirilov, Mrs Synnøve Konglevoll, Mr Konstantin **Kosachev**, Mr André **Kvakkestad**, Mrs Sabine Leutheusser-Schnarrenberger, Mr René van der Linden, Mr Eduard Lintner, Mr Dick Marty, Mr Frano Matušić, Mr José Medeiros Ferreira, Mr Miloš **Meiřák**, Mr Lars Kramer Mikkelsen, Mr Azim **Mollazade**, Mr Zsolt Németh, Mr Jim O'Keeffe, Mr Ionel Olteanu, Mr Theodoros **Pangalos**, Mrs Eleonora Petrova-Mitevska, Mrs Sólveig Pétursdóttir, Mr Leo Platvoet, Mr Dumitru Prijmireanu, Mr Anatoliy Rakhansky, Mrs Jorunn Ringstad, Mr Dario Rivolta, Mr Armen **Rustamyan**, Mrs Katrin **Saks**, Mr Kimmo **Sasi**, Mrs Naira **Shakhtakhtinskaya**, Mr Vitaliy Shybko, Mr Leonid **Slutsky**, Mr Jerzy Smorawinski, Mr Søren Soendergaard, Mr Michael Spindelegger, Mrs Maria **Stoyanova**, Mr Qazim Tepshi, Mr Vojtech Tkáč, Mr Rudolf **Vis**, Mr Oldřich Vojříř, Mrs Renate Wohlwend, Mr Marco Zacchera.

*N.B.* The names of those members who were present at the meeting are printed **in bold**.

*Head of the secretariat:* Mrs Ravaud

*Secretaries to the committee:* Mr Gruden, Mr Ćupina, Mr Kotlyar.

