



June 21, 2018

Tbilisi

Address of the Member Organisations of the EaP CSF Georgian National Platform to the Parliament of Georgia

Recent developments in Georgia and the related actions of the Prosecutors' Office of Georgia has further strengthened the feeling of injustice and protest in the Georgian society. We, the member organisations of the Georgian National Platform of the Eastern Partnership Civil Society Forum, believe that a serious reform of the Prosecutors' Office is due, and one of the most important component of that reform is to establish a proper procedure to elect Prosecutor General of Georgia (PG). If the existing malfunctioning system is used to elect the Prosecutor General, they will not be able to properly carry out duties imposed on them, can not meet societal expectations and can not restore trust in the Institution.

To respond to these challenges, several organizations jointly developed legislative amendment proposal regarding the PGs Office and it is already submitted to the Parliament.

We believe that the existing system, namely the procedure of appointing the PG allows the governing political party to singlehandedly appoint the PG without having to take into consideration the opinion of the political opposition and the public. Existing system fails to ensure the effective work of the Office in question. At the same time, it must be noted that recent constitutional amendments are a step forward towards depoliticizing the Prosecutor's Office. Nevertheless, if the new PG will still be elected via existing procedure, and before the new version of the Constitution of Georgia has entered into force (i.e. this year, before the newly elected President is sworn in), we will still be facing the same problem that persists today.

According to the Draft Law, the procedure for electing the PG will be modified, together with the Prosecution Council and also the procedure for appointing its members. The goal of the Draft is to minimize the chances of one-party decision-making. For this, the complete depoliticizing of the Council is required. The selection of the PG must be handled by the reformed Prosecution Council. The persons who hold political positions – MPs and the Minister of Justice – must not be the members of the Council. Hence, the Minister may not be the member of the Prosecution Council and definitely, not its Chair. Simultaneously, the Government should not participate in the process of the selection of the PG of Georgia.



Furthermore, the proportion of the Prosecutors in the Council membership should be minimized, so that they cannot veto those decisions of the Council, which relates to the election of the PG or imposing sanctions on the PG.

We believe that the election of the PG must only take place after the Prosecution Council has been reformed, which will bring it in line with the new constitutional norms and ensure, and that the new PG should be elected for 6 years with the proper procedure.

Considering the existing situation, please review the Draft Law as swiftly as possible and support it, so that the new law becomes the basis for electing the PG.

Members of the Georgian National Platform of the Eastern Partnership Civil Society Forum