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**Compliance with commitments and obligations:
The situation in Georgia**

**Regular report prepared by the Directorate General of Political Affairs
(May 2006)**

Executive summary

Over the last 12 months, Georgia has accomplished serious progress in the implementation of its obligations and commitments with the Council of Europe. The recent ratification of the Outline Convention on Transfrontier Co-operation, the progress in the drafting of a law on the repatriation of the Meshketian population deported in 1940-1944, the drafting of a law on restitution of properties, the administrative reform are all positive developments.

The forthcoming local elections, to be held in autumn 2006, will constitute a major test for the progress of democratic institutions in Georgia. Every effort should be made to secure the proper preparation and organisation of these elections.

However, the situation in the judiciary and law enforcement sectors remains a source of concern. The dismissal of judges and reports of regular abuse of force and violence, in places of detention, call for immediate action by the authorities, as well as the vigilance of the international community.

Unfortunately, no substantial progress could be noted in the solution of the problems with the break-away regions of Tskhinvali region/South Ossetia and Abkhazia. However, the responsibility for the deadlock lies largely in regional and external factors.

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I. Introduction

1. In accordance with the decision of the Committee of Ministers (826th meeting, 5 February 2003, item 2.1 a), the Secretariat was instructed to proceed with a six-monthly assessment of the progress achieved by Georgia in fulfilling its commitments as a member state of the Council of Europe. By its decision of 8 July 2004 (CM 892nd meeting, item 2.1 a), the Committee of Ministers focused the regular monitoring on the following three priority areas:

- functioning of democratic institutions at all levels including the situation in the break-away regions),
- functioning of the judiciary and law enforcement agencies;
- fight against corruption and organised crime.

2. The last regular Secretariat monitoring report [doc. SG/Inf (2005)6 final], covering the period July 2004 to February 2005, was published on 14 March 2005. At their 919th meeting, on 16 March 2005, the Ministers' Deputies took note of the report and of the progress made by Georgia in honouring its commitments. It also invited the Georgian authorities to "act upon the specific recommendations set out in Chapter VII of that report", as well as the recommendations of the Venice Commission.

3. On 24 January 2006, the Parliamentary Assembly adopted Resolution 1477 (2006) on the implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia.

4. A delegation of Ambassadors, members of the Rapporteur Group on Democracy (GR-DEM), will visit Georgia from 11 to 13 June 2006. The present report will contribute to the preparation of this visit.

5. The present report has been elaborated on the basis of the information gathered during a Secretariat visit to Georgia from 2 to 4 May . The programme of the visit is appended to the report. The Special Representative of the Secretary General in Georgia prepared the visit and attended the meetings. Ambassador Zurab Tchiaberashvili, Permanent Representative of Georgia to the Council of Europe, was present during the visit and provided the Secretariat with very useful first-hand information.

II. Political context

5. At the time of the visit , the political landscape in Georgia was dominated by several main issues:

- . the increasing internal political debate with the approach of the local elections to be held in autumn 2006 [see under Chapter III],
- . the continued efforts of Georgia to integrate Euro and Euro-Atlantic institutions,
- . the stalemate as regards the solution of the conflicts with the break-away regions of Tskhinvali region /South Ossetia and Abkhazia,
- . the strained relations with Russia.

6. At present, the opposition is boycotting the parliamentary work. The boycott of the opposition is mainly motivated by a controversy concerning the composition of the electoral commissions. Some parties mention the possibility also to boycott the forthcoming local

elections, which they consider already flawed due to what they see as a biased composition of the district electoral commissions. At the same time, these local elections will be an important electoral test for the various political forces in Georgia both majority and opposition, including the party created last autumn, by the former Minister for Foreign Affairs Ms Salome Zurbashvili. Over the next few months, a polarisation of the political climate around these elections, the first elections to take place at national level since the Rose Revolution, is to be expected.

7. Relations with the Russian Federation remain strained. The winter gas crisis and the boycott of Georgian wine have added to the already conflictual relations on South Ossetia/Tsinkvali region and Abkhazia. In this gloomy picture, a positive development has been the beginning of the implementation of the agreement on the withdrawal of the Russian troops from the two military bases in Akhalkalaki and in Batumi. However, the withdrawal of the Russian troops might create some tensions in regions which are already economically and socially depressed. Nevertheless, the Government has announced important investment projects in these regions to compensate for job losses resulting from the withdrawal of the Russian troops.

8. The visit took place at the same time as that of a Deputy Secretary General of NATO in Tbilisi and as the “Vilnius Conference 2006: Common vision for common neighbourhood”, in which President Saakashvili took part. The ongoing negotiations on Georgia’s accession to NATO and its possible withdrawal from the Community of Independent States (CIS) are additional elements which bear on the relations between Russia and Georgia. On 23 May, Georgian President Saakashvili took part in the GUAM Summit in Kyiv, where it was decided to transform this initiative into an international organisation.

III. Functioning of democratic institutions

9. The present boycott of the parliamentary work by the opposition is to be seen in the context of the forthcoming local elections planned for November 2006. It can also be seen as a symptom of a certain lack of political maturity of political elites. The parliament should remain the privileged place for democratic dialogue between the majority and the opposition.

10. The composition of the electoral commissions at different levels and the establishment of the electoral lists of voters remain the main problems regarding the organisation of the elections. These elections will be of major importance, not only because they will constitute a national test for the various political forces, but because they will be the main element in the implementation of the new administrative structure of Georgia.

11. The Georgian authorities have already invited the Council of Europe to send observers for the local elections. They have also requested support of the Council of Europe in the preparation of the elections. These requests are at present being examined by the relevant bodies of the Organisation.

12. The creation of a second chamber in the Georgian Parliament, which is a commitment accepted when joining the Council of Europe, cannot be implemented until the conflicts in the break-away regions (Abkhazia and Tskhinvali region/ South Ossetia) have been solved.

13. Regarding Ajaria, the Georgian authorities have clearly no intention of reconsidering the status of autonomy of this region of Georgia.

14. As far as the Tskhinvali region/South Ossetia is concerned, the Georgian authorities have shown moderation and spirit of co-operation by withdrawing the military forces which had been located close to the region. Some humanitarian initiatives have also been undertaken. The draft law on restitution of properties is another positive signal. All these positive moves have been rejected by the Tskhinvali “de facto” leadership. However, the last meeting of the Joint Co-operation Council (JCC) showed some more open position from Tskhinvali. However, this positive climate was contradicted and jeopardised by recent incidents involving temporary arrests of Georgians and South-Ossetians and reciprocal accusations of violations of human rights by both sides. The Georgian authorities expressed satisfaction at the positive attitude of the North Ossetian authorities regarding the law on restitution of properties.

15. The situation in Abkhazia did not show any significant progress, in spite of initial hopes that a more flexible new leadership could facilitate progress. On the positive side, the ongoing discussions on the possible re-opening of the railway Tbilisi-Sochi are making some progress. However, some major issues remain to be solved, in particular the question of border controls. The Abkhazian “de facto” leadership insists that nothing be done which could challenge their present position. A visit of a delegation of the Group of Friends took place at the end of May. Following meetings with the Georgian and Abkhaz leaderships, the delegation expressed a positive assessment of the willingness of both parties to engage in a constructive dialogue.

IV. Functioning of the judicial, law-enforcement and prison systems

16. *Reform of the judiciary:* A new “Concept on the Judiciary” was approved in July 2005 by a Presidential Decree. The large-scale judiciary reform encompasses the organisation of the court system, strengthening the role of the High Council of Justice and reinforcing the capacities of the High School of Justice. It is envisaged that the judiciary reform be completed in three to five years. The Council of Europe has established, in Tbilisi, a new legal task force constituted of five Georgian experts that are to assist the Georgian authorities in drafting substantial pieces of legislation in the legal and human rights fields. The task force will also include in its work plan the compatibility study of the Social Charter.

17. *Reform of the Courts:* Reform of the Supreme Court, Constitutional Court and common courts is under way. After the reform, there will be 17 enlarged district (city) courts established in all the regions instead of the currently existing 70 courts. The district (city) courts shall be the first instance rule in criminal, civil and administrative cases. In addition, in order to ensure citizens’ access to justice, the magistrate courts have been introduced. They will become part of the lower unit of the common courts, in the territorial unit where the enlarged district (city) court is not present. In Tbilisi, five district courts have already been amalgamated and the city court has been created, based on the principle of specialisation of judges.

18. An appeal court has been established since November 2005. At present, the Supreme Court only acts as a court of cassation, with the aim of offering advancing and unifying interpretation of the law having a decisive role in reinforcing legal security.

19. Currently, over 40% of the vacancies for judges have not been filled. Out of the estimated need of 400 judges, only 270 are presently employed. The lack of judges is partly

due to the fact that 65 judges have recently resigned or were dismissed on grounds of criminal charges, including bribery, disciplinary measures or retirement. Furthermore, the dismissal of five judges from the Supreme Court, following the hearings of the Disciplinary Plenary of the High Council of Justice, has raised concern about the proceedings and the principle of the independence of judiciary. There is a need to institute a transparent system with clear criteria for removing judges from their positions. The Georgian authorities acknowledge the irremovability of judges to be the guiding principle and it is planned to introduce the concept of the appointment for life in the future. However, for the time being, judges remain appointed for a 10-year period. In order to ensure the independence of judges and to fight against the risks of corruption, their salaries have been doubled since the beginning of 2006. Furthermore, the common court judges may be paid monthly rewards, of up to 50% of their monthly salary, on the basis of the number of heard cases.

20. *High School of Justice:* Reform of the educational system for judges is being pursued. The full implementation of the Law on the High School of Justice, the adoption of the Statute of the School, the drafting of a new programme on initial and continuous training and to adapt the legal framework on dismissal procedure, as well as the selection and appointment procedure according to Council of Europe standards, are priorities for the development of an effective and independent judicial system in Georgia. Some key issues, like the access to the School, should be addressed in the adequate drafting of its Statute. In addition, it was agreed during the meeting, held in Strasbourg in March 2006, that the Council of Europe experts will write an expertise on the legal framework on the dismissal procedure as well as an expertise on the selection, appointment procedure and the Statute of the School. After receiving the texts on the Laws to be examined by experts, a follow-up meeting will be held in Tbilisi. Co-operation between the Council of Europe and Georgia, in the development of the curricula for the High School of Justice, will continue on a regular basis.

21. The Founding Assembly of the *Bar Association* was held on 12 and 13 March 2005, when the President of the Bar Association was elected and the Charter of Association was adopted. After the first session of qualification examination to the Bar Association, 1 200 lawyers successfully passed it and took an oath as members of the Bar Association of Georgia. At present, the main focus of the Bar Association is on elaborating the Code of Ethics and Disciplinary Procedures. The Council of Europe is ready to provide its support and expertise in preparing the drafts of these documents.

22. *Legal Aid System:* As from June 2005, the Legal Aid Office, which works within the Ministry of Justice of Georgia, started to function in Georgia. It has five regional offices in the country. It is a pilot project, co-financed by international donors organisations and its enlargement will be considered at a later stage, when statistical and other data are available as to the specific need for free legal aid in Georgia. Time might be ripe to consider drafting a specific law on state funded legal aid, where assistance of the Council of Europe could be useful.

23. *Reform of the Code of Criminal Procedure:* The new draft Code of Criminal Procedure (CCP) has been submitted to the Parliament of Georgia. The Council of Europe experts have been actively involved in the drafting process, in order to ensure that the new Code fully meets the European human rights standards. A Council of Europe expert meeting took place mid-May 2006 to make a final assessment and proposals on articles of the draft code that are not yet in compliance with the European Convention on Human Rights. The Government is expected to establish a working group on the new CCP in which the Council

of Europe's newly-created legal task force will become member. It is expected that the CCP will be adopted at the end of 2006, but the Code's actual implementation will begin in summer 2007, because of the need to re-train judges.

24. Some "surgery" amendments to the current Code of Criminal Procedure have entered into force since 1 January 2006. It should be noted that the length of pre-detention has been reduced from nine months to four months and that the 30-month term of detention during the trial proceedings has been limited to 12 months. These positive measures should also contribute to reduce the penitentiary population and improve the situation in the prisons.

25. *Reform of the Public Prosecutor's Office:* The concept of the reform has been accomplished and it is currently in the process of implementation. The concept envisages, inter alia, the establishment of the Council of Prosecutor's Office with a view to ensuring effective management of the system, participating in the appointment procedures and disciplinary proceedings. A draft Code of Ethics for prosecutors has been drawn up, but not yet adopted. Meanwhile, provisional instructions to ensure ethical behaviour of the employees of the Prosecutor's Office have been issued. The adoption of the Law on the Public Prosecutor's Office is conditioned by the adoption of the new Code of Criminal Procedure. Several interlocutors have underlined the positive changes in the Prosecutor's Office. However, they also underlined the slow progress and lack of convincing results in major enquiries.

26. *Reform of the police:* Over the past two years, the police force has undergone substantial changes. The police force has been divided into patrol police (public order police), criminal police and border police. A unit monitoring the Human Rights protection at the police administration has been established. It carries out internal monitoring in the agencies and pre-trial detention cells. The Unit co-operates closely with the Public Defender and non-governmental organisations. The Georgian Ministry of the Interior attaches great importance to the proper training of police. The Council of Europe has recently organised a short-term training session in matters related to organised crime together with the Police Academy and a component for human rights training for the trainers of the police is included in the Joint Programme on fostering a culture of human rights, in the South Caucasus and Ukraine for 2006-07. However, it would appear that there is a serious lack of adequate initial and continuous training for police, which should be effectively addressed. The Council of Europe stands ready to give substantial assistance to the Georgian authorities in this field. The new Law on Police is pending the adoption of the Criminal Procedure Code.

27. Concern still exists with respect to certain police attitudes, notably disproportionate use of force, in particular in police stations and during special police operations. It is reported that, in 2005, 19 policemen and 18 civilians were killed in an arrest situation, which could indicate lack of professionalism in handling arrests and therefore a call for intensive specialised training. Human rights activists consider that there is rarely a proper investigation into these kinds of serious incidents and that the law enforcement agents are rarely charged with the deaths of the presumed lawbreakers. Several interlocutors have reported on a number of cases which they qualified as "extra-judicial killings", in particular during police special operation against organised crime. According to the authorities the problem relates entirely to the lack of professional training of the police forces. It is essential that an active training programme be launched without further delay, with the assistance of the Council of Europe, in order to promote the professionalism of police forces and to secure that they exercise their

functions within the limits of the rule of law, with full respect for fundamental human rights, in particular the right to life and the absolute prohibition of torture and inhuman treatment.

28. A draft code of police ethics has been drawn up, but still needs considerable improvement. Consultation on its development with the Council of Europe is taking place and the Organisation's expertise will be requested. It is crucial that the code of police ethics is adopted rapidly in order to improve the methods and practices of the police.

29. *Reform of the prison system:* In October 2005, a meeting of the Council of Europe Prison Programme Management was held and the prison reform priorities were updated. A concept paper of the reform of the penitentiary system, which gives a good basis for substantial reform, was drafted in 2005. The concept has been approved by the Government and it is envisaged to start the implementation of segments of the Concept in the near future.

30. In spite of the opening of new prisons in Kutaisi and in Rustavi, overcrowding of the prisons is of ongoing concern. The core of the problem is the high share (70%) of the non-convicted prisoners in the prison population. This situation will be improved, following the amendments to the CCP regarding the lengths of the pre-detention period.

31. At the end of March, a serious prison riot broke out in Tbilisi Prison No. 5, in which seven inmates died and 24 were wounded following the operation by the Georgian authorities to put down the incident. The causes of the riot are still unclear. It has not yet been established, whether the riot was organised by the criminal bosses, in order to attempt a mass escape, or if the appalling prison conditions lie at the root of the riot. A criminal investigation by the Prosecutor General's office is being carried out. It is still to be established how guns and other arms could be introduced within the prison. This clearly testifies of the complicity between prison staff and the detainees, in particular the "criminal bosses" who impose their rule in the places of detention. According to the authorities, the problem lies with the present "colony system" of prisons where the criminal bosses are in regular contact with other detainees and the outside world (their meals are provided externally against payment!). Progressively, a system of prisons with cells should replace the colonies, which would isolate the criminal bosses. Some interlocutors indicated that the recent riot was directed against this reform which would jeopardise the power of the criminals.

32. Training of prison staff and training of trainers continues to be the main priority area of the prison reform between the Council of Europe and Georgia. The Council of Europe will also give assistance to the planning of a new prison to be built.

33. The Law on Imprisonment was finalised in April 2006, but it is already envisaged that it will be replaced by the new Penitentiary Code which is being prepared and will be submitted to the Parliament in September this year. The Ministry of Justice has indicated that it will request the Council of Europe's legal opinion on the draft Code.

34. The report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its second periodical visit to Georgia, which began in November 2003 and was completed in May 2004, has now been made public, whereas the response given by Georgian Government in October 2005 is still not public.

35. On 23 June 2005, the Criminal Code (CC) was amended so that that definition of torture is now consistent with international standards. In addition, the threat of torture, as well as any attempt to commit torture, is also criminalised in the amended CC.

36. Finally, the CPT and the Commissioner for Human Rights have received an invitation from the authorities to visit Georgia and the break-away regions.

V. Fight against corruption, money laundering and trafficking

37. *The fight against corruption:* On 28 March 2006, the President signed a new Decree on Approving the Action Plan for the Implementation of the Georgian National Anti-Corruption Strategy. The office of the State Minister for Reform Co-ordination developed this Action Plan, on the basis of the National Anti-Corruption Strategy adopted on 24 June 2005. The Presidential Decree improves the Action Plan considerably, by clearly defining an implementation timetable, implementing agencies and partner organisations. It is also noteworthy that the new Decree requires all Ministries to develop internal anti-corruption action plans and to report to the Government on their fulfilment on a quarterly basis. The Decree also adds the Prosecutor General's Office and the High Council of Justice to the list of those responsible for developing action plans and foresees the elaboration of a new law on the Chamber of Control. The Group of States against Corruption (GRECO) will make an assessment of the implementation of First Round Recommendations in its June 2006 Plenary meeting. The ratification of the Criminal Law Convention on Corruption is still pending the harmonisation of the domestic legislation with the Convention.

38. *The fight against money laundering:* In April 2006, in the context of the Anti-money laundering measure evaluation programme (MONEYVAL), a team of examiners visited Georgia and met all the major institutions responsible for anti-money-laundering measures. The examiners left the Georgian authorities a summary of their key findings, which will be further refined in the draft report. Since the last evaluation major changes have taken place: the Law of Georgia on Facilitating the Prevention of Legalisation of Illicit Income came into force and a well-staffed Financial Intelligence Unit has been created. For the investigation of money-laundering cases, a special department of the Prosecutor General's Office of Georgia was created in 2003. At the beginning of this year the Committee decided to take Georgia out of the first stage of MONEYVAL's compliance enhancing procedures. The report of the third evaluation round will be developed and adopted during the year 2006. It is anticipated that the report will be a public document.

39. *The fight against trafficking in human beings:* In April 2006, the draft law on combating trafficking in human beings was adopted. The bill defines legal and organisational foundations for combating and preventing trafficking in human beings. The relevant action plan in the area of trafficking has also been approved. In order to reinforce the measures undertaken to combat trafficking, the Government has established a special anti-trafficking police unit. In October 2005, Georgia signed the European Convention on Action against Trafficking in Human Beings.

VI. Other important matters

A. Outstanding conventions

40. The Georgian Parliament recently ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106), fulfilling one of its remaining commitments as regards accession to Council of Europe conventions.

41. Apart from the Charter for Minority and Regional Languages (see below under D), another important convention to which Georgia should accede is the Criminal Law Convention on Corruption (ETS No. 173).

B. Repatriation of the Meskhetian population deported during the period 1940-44

42. Significant progress has been achieved in this context. After years of inactivity, the present authorities have shown their willingness to resolve this problem and to fulfil one of the most important remaining commitments, accepted when joining the Council of Europe. A draft law on repatriation of the Meskhetian population has been prepared, with the assistance of the Council of Europe. According to the authorities, the draft law, which is in the final stages of being drawn up, could be adopted by the Georgian Parliament before the end of the year 2006.

43. The authorities should be praised for their political will to tackle this issue and resolve it. However, according to NGOs representing this population, the draft law would present two main weaknesses:

- i. The link between the quotas for return and the financial capacities to resettle the returnees → it should be remembered that the commitment accepted in Opinion No. 209 (1999) only deals with the creation of a legal framework for the return of this deported population without any reference to the right to compensation or the possibility to return to the region of origin. However, the present draft law foresees that the quotas for return will be implemented in connection with the financial capacities to secure proper resettlement of the population. In this context, the possible future accession of Georgia to the Council of Europe Development Bank could offer interesting opportunities and facilitate the return of the Meskhetian deported population.
- ii. The delay for granting citizenship → the draft law refers to the general regulations with foresee 10 years of residence before granting Georgian citizenship. Bearing in mind that a large part of the Meskhetian population (in particular those living in Krasnodar Oblast in Russia) have no proper legal status, there is a great risk of generating a large number of stateless persons.

C. Media freedom

44. The situation in the media sector is improving. Pluralism of the media is being respected. The main problem concerns the lack of professionalism of the media professionals. Another problem concerns the way electronic media are reporting on the problems of violence in the country. By devoting their opening news to the special

operations against suspected criminals and showing very crude images provided by the Ministry of the Interior, the media contribute to creating a climate of fear and danger which is not favourable for the serene exercise of justice.

D. Minorities

45. As regards the protection of minorities, following ratification of the Framework Convention for the Protection of National Minorities, the remaining commitment concerns the accession to the European Charter for Regional and Minority languages. In this regard, the main obstacle seems to be the list of languages to which the Charter would apply. The Secretariat of the Council of Europe is willing to offer additional technical expertise and awareness-raising in order to facilitate fulfilment of this commitment.

E. Freedom of religion

46. Freedom of religion has substantially improved over the last few years. There are no more cases of harassment and violence against religious minorities, which were regularly reported in the past. As regards the status of Churches, following the concordat with the Georgian Orthodox Church, minority Churches have become a recognised legal personality by the amendment of the Civil Code. Whether there is a need for a separate law on Churches remains an open question. The other unresolved question concerns the properties – in particular the properties of the Catholic Church – which had been transferred to the Georgian Orthodox Church.

F. Civil society and Ombudsman institution

47. Mr. Subari Sozar, the new Ombudsman appointed in August 2004, has managed to re-establish the authority and credibility of this institution which had been seriously affected following the presidential elections of autumn 2003. He has been very active in investigating the cases of torture in places of detention and all forms of excessive use of force by law-enforcement agencies. The Council of Europe could develop a new programme of co-operation with the Ombudsman's Office (in the field of training, in particular) with a view to further intensifying its action in various regions of Georgia.

48. Civil society was always vibrant in Georgia. After a period when NGOs and civil society were reluctant to criticise the new government, they are now very active in denouncing all forms of violation of human rights by the authorities and the inefficiency of the judicial power.

49. Finally, the Tbilisi School of Political Studies continues to offer a forum where representatives from every social stratum with a plurality of opinions can dialogue and discuss all problems of Georgian society. The TSPS could reinvigorate its regional activities when similar institutions exist in the three South Caucasian countries.

VII. Conclusions and recommendations

50. Over the period covered by the present report, undeniably Georgia has made progress in the fulfilment of its commitments and obligations accepted when joining the Council of Europe. The elaboration of the draft law on the return of the Meshketian population, the drafting of the law on restitution of properties, the completion of the administrative reform

and the forthcoming local elections , the accession to the Outline Convention on Transfrontier Co-operation, as well as the adoption of the Action Plan against Corruption are some very positive developments

51. However, progress remains to be achieved in the sensitive areas of the penitentiary, judiciary, prosecution and investigation sectors. Reports on abuse of force by the police forces are frequent and call for immediate action to eradicate all forms of violation of basic human rights by the law enforcement forces.

52. Another area of concern is the real independence of the judiciary which should be exempt from any political interference. Dismissal of judges and new nominations should be carried out in accordance with proper legal procedures, respectful of the rule of law.

53. The forthcoming November local elections will constitute an important test for the administrative reform in Georgia. The composition of the voters' lists and of the electoral commissions, at all levels, remain complex issues. The request of the authorities to the Council of Europe, to assist in the preparation of the elections, deserves particular attention on the basis of concrete requests submitted by the Georgian authorities. An invitation to observe the local elections has already been addressed to the Congress of local and regional authorities.

54. The draft Code of Criminal Procedure should be adopted by the Parliament, taking into consideration the opinion of the Council of Europe experts, in particular to ensure full compliance of the Code with the European Convention on Human Rights.

55. The recently constituted Council of Europe legal task force in Tbilisi is prepared to efficiently assist the Georgian authorities in drafting substantial sections of legislation and expects to receive the full support of the authorities in their work.

56. The draft Code of Police Ethics should be finalised with the assistance of the Council of Europe without delay and the human rights and professional training of the law-enforcement agents should constitute a key priority in co-operation with the Council of Europe.

57. The prison reform should be implemented promptly, on the basis of the recently adopted *Concept paper on the reform of the penitentiary system*. The persisting overcrowding of prisons should be urgently addressed, *inter alia* by reducing the number of inmates in pre-trial detention.

58. The authorities should demonstrate their firm commitment to investigate and prosecute all those responsible, at all levels, for abuse or violence in places of detention and during police operations. An ambitious programme of training of police forces and penitentiary staff should be undertaken, without further delay, in order to secure that the presumption of innocence, the dignity and basic human rights of suspects and detainees are fully respected during investigation, pre-trial detention and post-trial detention.

59. To sum up, the functioning of the judiciary and law enforcement agencies remains a sensitive issue which deserves to be kept under close scrutiny and should benefit from ambitious support and training programmes.

APPENDIX

PROGRAMME

of the visit of **Mr Jean-Louis Laurens**,
 Director General of Political Affairs and
Mrs Inkeri Aarnio-Lwoff, Adviser (DGAP)
 Council of Europe

2-4 May, 2006

Tuesday, 2 May

- 02.30** Arrival from Istanbul
- 03.30** Accommodation at the Hotel Tbilisi Marriott
- 12.00-12.45** Meeting with **MPs Mr Kote Gabashvili, Mr Giga Bokeria** from National Movement
- 12.45-13.35** Meeting with the MPs from opposition
- 13.45-14.45** Lunch with SRSG and IO staff
- 15.00 -15.45** NGO first part (Liberty, GYLA)
- 16.00-16.45** Meeting with **H.E. Mr Gela Bezhuashvili**, *Minister for Foreign Affairs*
- 17.00-17.45** Meeting with **Mr Zurab Adeishvili**, *General Prosecutor of Georgia*
- 18:00-18:45** Meeting with **Mr Giorgi Baramidze**, *State Minister of Georgia on European and Euro-Atlantic Integration*
- 19:00** Visit of the exhibition of Ms Esmā Oniani
- 20:00** Dinner hosted by **Mr Armaz Akhvlediani**

Wednesday, 3 May

- 09:00-09:45** Working breakfast with David Saakashvili
- 10.00-10.45** NGO second part (Minority NGOs)

- 11.00-11.45** Meeting with **Mr John Khetsuriani**, *President of the Constitutional Court of Georgia*
- 12.00-12.45** Meeting with MP **Mr Vano Khukhunaishvili**
- 13.00-14.15** Lunch at Restaurant “Meidani” with **Mr. Sozar Subari**, *Public Defender of Georgia*
- 14.30-15.15** Meeting with **Mr Konstantin Kublashvili**, *Chairman of Supreme Court*
- 15.30-16.10** Meeting with **Mr. Guram Chalagashvili**, *Chairman of the Central Election Commission of Georgia*
- 16.20-17.05** Meeting with **Mr Gia Kavtaradze**, *Minister of Justice*
- 17.20-18.00** Meeting with **MrGeorge Khaindrava**, *State Minister of Georgia on conflict resolution issues*
- 18:00** Press Conference
- 20:00** Dinner with OSCE, EC and UNOMIG

Thursday, 4 May

- 8.30-9.30** Working breakfast with International Crisis Group
- Departure for the Georgia-Armenia State Border (Sadakhlo)