

Georgia: sentence passed on the former prime minister

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On 17 February the municipal court in Kutaisi sentenced Georgia's former prime minister Ivane "Vano" Merabishvili to five years in prison at the first instance. He had been in custody since May 2013. The court found him guilty of misusing approximately US\$ 3 million belonging to the state in order to pay activists of the United National Movement (UNM) in 2012 (UNM was in power at that time) and of illegally appropriating property (a villa at the Black Sea). The former health minister Zurab Tchiaberashvili, who appeared in court Merabishvili, was also accused of embezzling state funds to the advantage of UNM. He was sentenced to a fine of approximately US\$ 30,000.

Other investigations are underway in the Merabishvili case regarding his allegations that he exceeded his mandate during the breaking of the opposition rally on 26 May 2011 (Merabishvili was then interior minister) and the alleged stalling of the investigation and cover up of a murder case in 2006 which was probably committed by officials from the Ministry of Internal Affairs.

The prison sentence for Vano Merabishvili is the highest sentence which has been passed for a representative of the former ruling bloc. It indicates that the process of holding the bloc of Mikheil Saakashvili (who has been staying abroad since leaving office) politically and legally accountable, launched in 2012 following the change in power after the elections, is not losing momentum. It may become an important burden for Tbilisi in its relations with the West.

Merabishvili – achievements and controversies

Vano Merabishvili was one of the 2003 Rose Revolution leaders and in the decade which followed - the second most important politician of the ruling bloc in Georgia after President Mikheil Saakashvili. Between 2004 and 2012 Merabishvili was interior minister and between July and October 2012 –prime minister. After UNM's defeat in the parliamentary election of October 2012 and the victory of the Georgian Dream coalition of billionaire Bidzina Ivanishvili, Merabishvili was elected the secretary general of UNM, which has remained the most important opposition party.

Over the period following the Rose Revolution, Merabishvili was responsible for the reform of Georgia's security. Under his management the Ministry of Internal Affairs, which covers the police, border services, counterintelligence, rescue services and militarised units among other services, has become the most effective structure of the Georgian state. The effectiveness of his reforms can be seen in the near total elimination of corruption in the

ministry and the very high effectiveness of the police (low crime rates and a high rate of successful investigations). This has translated into social prestige and confidence for the ministry.

However, throughout his term in office, charges were levelled at him regarding the excessive role of the structures of force in the life of the state, the lack of scrutiny into their operations, the abuse of coercive methods in order to resolve internal crises and the use of ministerial structures in political battles, including surveillance, collection of compromising materials and the intimidation of the ruling bloc's opponents.

Post-election account-settling

Since the government of the Georgian Dream (GD) coalition came to power in October 2012, a campaign to politically and legally settle accounts with officials from the former ruling bloc has been underway. According to the UNM's claims from autumn 2013 (impossible to verify), within one year approximately 10,000 of the party's members were questioned or investigated, out of whom 100 were charged with an offence. This was accompanied by a campaign of pressure on UNM representatives in local governments and this led to 80% of local units seeing a change in leadership to the advantage of GD a year before the local elections scheduled for June this year. Such a wide-scale process of account-settling and harassment on the part of GD was, it seems, the result of several factors being at play: the willingness to meet society's expectations to punish those guilty of the abuses from 2003-2012; a willingness to retaliate; fear of the former, until now omnipotent, political bloc; and finally, the constraints of GD's political programme - to a large extent focused on the promise to "do justice".

GD is convinced that the end of eliminating the remnants of the former government justifies extraordinary measures being taken (including violations of investigative and court procedures). This largely resembles the approach that the Saakashvili bloc had to the realities they encountered following the Rose Revolution, although in this case it did not include arresting political opponents but rather behind-the-scenes pressure and making "offers that cannot be refused". GD is thus rather repeating the mistakes of its predecessors, not fixing the state's weaknesses.

This may be illustrated by Gigi Ugulava, mayor of Tbilisi, being suspended from office. Ugulava was the last UNM politician who held a prominent and influential position in executive power and he may seek re-election. The court made a decision in this case on 22 December last year, clearly under pressure from the prosecutor's office (during an overnight, extraordinary session behind closed doors).

Currently, over a year after taking power and three months after the end of President Saakashvili's term in office, the GD coalition controls all key institutions in the state (apart from the Supreme Court and the Central Bank) and enjoys large support in society (61% in November last year according to a survey conducted by the National Democratic Institute) and can be certain of victory in this year's local elections. Thus the period of rivalry with the UNM over influence in the country has come to an end. At the same time society's persistent strong aversion to the former ruling bloc means that the aggressive rhetoric against the opposition and the act of settling accounts with the Saakashvili bloc remains an

attractive source of political energy for the coalition.

The implications of the verdict on Georgia's relations with the West

Since GD came to power, the legal settling of accounts of former state officials has been cause for concern for Georgia's Western allies. These cases raise suspicion of political revanchism, particularly in the context of the Georgian judicial system being traditionally susceptible to political pressure. The weakness of judicial power in Georgia, which has been the topic of systematic criticism from the international community both under Saakashvili and currently (despite the reforms launched by the new government), casts doubt on the likelihood that trials burdened with the risk of political manipulation (such as Merabishvili case) will be impartial.

This makes the verdict for Vano Merabishvili, which may evoke the trial of Yulia Tymoshenko in Ukraine, a challenge for Georgia's Western partners, particularly given this year's political agenda in relations between the EU and Georgia and plans to sign the Association Agreement in the second half of the year.

The EU has not yet expressed its opinion on the verdict. However, in May 2013 the head of EU diplomacy, Catherine Ashton and the Commissioner for Enlargement, Stefan Füle stated that the Merabishvili trial would be closely scrutinised by the EU, and representatives of the European People's Party (in which UNM has observer-member status) stated straightforwardly that this issue might affect Georgia's chances of signing the Association Agreement this year.

The experience of the Yulia Tymoshenko trial, which became the main obstacle in relations between the EU and Ukraine for many months, and above all the scale of the current political crisis in Ukraine, may however discourage the EU from too severely raising the issue of the verdict for Merabishvili as it will fear that Georgia's process of association with the EU may end in failure.