

Georgia: controversial verdict on Saakashvili

Wojciech Górecki

On 5 January, the Tbilisi city court of first instance sentenced the former President of Georgia Mikheil Saakashvili to three years in prison, and banned him from holding public office for exceeding his authority and abusing his position. Saakashvili allegedly violated procedures by pardoning Interior Ministry officers (who had been convicted of assassinating the banker Sandro Girgvliani in January 2006) while bypassing the commission for amnesties. The Court stated that the former President was guilty of “contributing to the accused avoiding their responsibilities”. Since stepping down from office in autumn 2013 Saakashvili has lived outside of Georgia, and is currently in Ukraine.

Commentary

- The sentence must be regarded as disproportionate to the alleged offence, and its justification as curious, to say the least. Saakashvili has been convicted of procedural violations while taking decisions, which as President he had the right to do. The court’s decision in Tbilisi shows the weakness of the evidence collected against Saakashvili and discredits the justice system. It also indirectly discredits the ruling coalition of Georgian Dream, representatives of which (after they took power in 2012-2013) repeatedly accused him of responsibility for serious crimes, including torture in prisons and causing the death of participants in street demonstrations. The prosecution has so far brought four charges against Saakashvili. Apart from the Girgvliani case, these include: the embezzlement of more than US\$3 million; abetting the illegal confiscation of the assets of the businessman Badri Patarkatsishvili; and ordering the beating of the parliamentary deputy Valeri Gelashvili (in connection with this latter case, the former head of the Interior Ministry Vano Merabishvili has already been sentenced to imprisonment).
- This judgement represents a new factor in the game between Tbilisi and Kiev concerning the future of Saakashvili. Georgia, which has officially called for his extradition, does not actually want this to happen, fearing the mobilisation of the opposition and being accused of political revenge. For its part Ukraine wishes to expel Saakashvili, although in the light of this latest sentence, his deportation to Georgia would incur high political costs in the form of criticism by the West (on 3 January, a court in Kiev ruled that Saakashvili is not entitled to refugee status; the former president is still awaiting the verdicts in the cases regarding depriving him of Ukrainian citizenship in July and his illegal entry to Ukraine in September 2017). In this situation, the government in Kiev is considering the possibility of expelling him to a third country.

- The court's decision has been strongly criticised by the current President Giorgi Margvelashvili, who pointed out that it undermines the constitutional prerogative of the head of state. This statement is further proof of the political emancipation of Margvelashvili as he becomes independent of Georgian Dream, under whose patronage he competed in the last presidential elections. This may indicate his intention to seek re-election as an independent candidate, as it is difficult to expect that he would win the support of the ruling party this time (in the elections scheduled for 2018). Margvelashvili probably also fears setting a dangerous precedent for the future, assuming criminal responsibility for pardons which he himself has granted.