

Georgian Journal

POLITICS

“We must be candid, we must be critical enough” - Boris Cilevics on the Council of Europe Resolution

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On October 1st the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on “the functioning of democratic institutions in Georgia.” In a typical fashion indicative of Georgia’s growing political divisions, the Georgian Delegation in Strasbourg furiously debated the resolution with Georgian Dream members opposed to it and UNM members supporting the resolution.

Before the resolution was adopted, members of the Georgian delegation, mostly from UNM, pushed for several amendments to be added to the draft. Most of the amendments were critical of current political trends in Georgia. The amendments were endorsed by the PACE monitoring committee and subsequently by the entire Assembly the next day in the October 1st session.

While the Assembly ultimately endorsed the amendments, some, such as Michael Aastrup Jensen of Denmark and Boriss Cilevičs of Latvia, the two PACE co-rapporteurs on Georgia, strongly opposed many of the adopted amendments, arguing that they were “partisan” in nature and undermined their originally “balanced” report. Georgian Dream members of the delegation made similar claims, which sparked the heated debate within the Georgian delegation in Strasbourg.

Georgian Journal had the privilege of speaking with Boris Cilevics about the aftermath of the summit, its political implications for the assembly and what the CoE resolution ultimately means for Georgia and the current status of Georgia’s democracy.

– We would like you to elaborate on what were your main concerns regarding the Council of Europe resolution. Why you were “not happy” with it and what could have been done to make things better?

– Our main mandate as rapporteurs of parliamentary assembly is to monitor implementation of the obligations undertaken by Georgia upon accession to the Council of Europe. Some of these commitments are very specific and clearly formulated. For example, the ratification of the European charter of regional and minority languages. This is one of the outstanding obligations which has not been fulfilled so far. There is yet another outstanding obligation which has not been fulfilled despite the substantial progress.

– **Which are the obligations?**

– The obligation is repatriation of deported Meskhetian Population. Indeed there is a serious progress - the legislative framework is in place, although it was criticized by many NGOs and experts and we agree that it's far from being perfect, but the process took a start and we clearly formulated our concerns that the bureaucratic administrative process is too long, there are some excessive demands in place and the main concern is that, although more than one thousand people obtained this repatriate status, too few people have been granted Georgian citizenship.

– **What about more outspoken claims of political vendetta and politically motivated imprisonment. What can you say about that?**

– This exactly why we could not vote for the resolution. Because in our view, several amendments which have been made in the final draft of resolution, made this report unbalanced. We have to avoid politically motivated statements, avoid getting engaged in domestic political competition. The draft resolution we have suggested also included several points of serious criticism, in particular, with regard to the prosecution of former governmental officials. But, I would like to say it very strongly, it's not up to us - to the assembly to decide who is right and who is wrong and we are not going to replace the Georgian court. It's only up to you and your judiciary, to decide who's the responsible, who is innocent and who is guilty. Our task is to closely monitor whether the prosecution and trial are held in full accordance with the principles of rule of law, human rights and fair trial. And if we notice some suspicious things, which might run contrary to the standards of the Council of Europe, it's our obligation to indicate the problems. This is the case, for example, of overly long pre-trial detention. This is what we said in very strong words, because we are absolutely convinced that human rights must be ensured for everybody. The way how pre-trial detention is applied in the case we mentioned does not comply with the standards of CoE. But it's not our task to say who is guilty and who is not, is it a political vendetta or not, It's simply not our job.

– **However, if Georgian government would not comply and would not consider your recommendations and your advices, that would have some kind of consequences for Georgia on European stage. You said that we are free to decide who is right and who is wrong. But on the decision we make depends our European future. Is that not right?**

– I agree. Of course, it's up to your courts to decide about alleged crimes. But let me clarify something. Georgia as a member of Council of Europe has certain obligations. The monitoring procedure starts immediately after accession. A number of member

states are under the monitoring procedure and it is closed as soon as the major obligations have been fulfilled. Monitoring procedure is not a punishment. It's a friendly advice and assistance. We sincerely believe that Georgia, like other members states, shares the basic values of the Council of Europe. Of course it's not always so easy to implement these principles in practice. Problems exist in all CoE member states. So far we see the willingness of Georgia. I am speaking about the representatives of the state regardless of political affiliations. Your future is in your hands and it is in your own interest to ensure the human rights and democracy prevail in Georgia, and we want to help you. We must be candid, we must be critical enough. The guy, who says that everything is all right, is not your friend. A genuine friend always says the truth, even if it's not very pleasant.

– Can you emphasize why the resolution will not help Georgia much?

– The Parliamentary Assembly is a political body. You just cannot decide by the vote of politicians whether there is human rights violation or not. It's up to the Court and the experts to decide about these things. In the assembly we have a sort of a political competition. When monitoring reports are discussed, often the representatives of the ruling parties try to prove that everything is all right and the opposition always criticizes the government. In this case, the opposition managed to persuade the majority of the assembly that they are right.

– Do you agree with the opposition?

– In my view, several points which were supported in the assembly are not helpful. They make the resolution unbalanced. In particular, seizure of the former President's assets is indeed a matter of concern, but the claim that the seizure of assets is widespread is dubious, at least... Our goal is to encourage cooperation between all parties in Georgia. However, some partisan amendments that were voted in do the opposite they rather bring your internal political rift into the assembly and it's not helpful.

– How would you evaluate the performance of Georgian government's delegates at the assembly?

– This is not certainly my job to evaluate their performance in the assembly. It won't be ethical of me to evaluate my colleague's work. It's again up to you to determine. We have a very consistent position; we talk to all members of the Georgian delegation. According to our rules, when questions related to the Georgia are discussed at the monitoring meeting, both opposition and the representatives of the coalition must be present.

– Here is an inquisitive question. Is there a lobby war between Georgian government and opposition party to influence European opinion? And if it's true, who do you think is winning the war?

– Of course, it's politics. Just like in several other countries. But I believe it's rather counterproductive. This is a wrong approach. The procedure of appointing rapporteurs takes political confrontations into account. This is why, according to the rules, always two monitoring rapporteurs from different political groups are appointed. Our task is

to avoid political sympathies and political rivalries. Of course, all this lobbying takes place, but then again, it's not helpful at all. We should concentrate on principles and not on political sympathies.

– Does this lobby war influence the decisions and namely, resolutions of the Council of Europe?

– Of course, it does to some extent. At the end of the day, things are decided by the vote that is determined by several factors. And political competition, of course, plays a role in all this.

– Some members of United National Movement criticized you, putting your impartiality under doubts, saying that you were trying to cover up the government. How would you react and reply to them?

– I'm not going to react anyhow. If someone has questions and doubts about the impartiality and objectivity of the rapporteurs, these issues should be raised publicly and all arguments must be put on the table. All monitoring rapporteurs make a declaration about absence of conflict of interests upon appointment. When I made this declaration I was honest, and I am absolutely sure that my co-rapporteur Michael Aastrup Jensen was too. If someone questions my professional honesty, I expect some kind of proof. If not, if it's just like Americans say, "backstabbing", I don't think this is a sort of behavior which meets the criteria of moral politics. And an attempt not to refute the argument but to discredit the rapporteurs instead runs contrary to the well-known principles: attack the argument, not the person!

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