

President Pledges to Veto All Bills Going in Wrong Direction

By KHATIA BZHALAVA

President of Georgia Salome Zourabichvili has vetoed amendments to the Criminal Procedure Code, adopted by the Georgian Dream Parliament on June 7, citing human rights concerns. The bill allowed the extension of scope and time limits on covert investigative actions, surveillance, and wiretapping by state authorities. This is the first time the president used her veto since she took the office in 2018.

As the President stated, even though the bill is likely to be still approved by the ruling party despite the veto, she made the decision anyway to stress her political position and her dissent with the bill that "restricts human rights". She also stressed that she would veto all the bills adopted in the wrong direction for the next six months.

"I am vetoing the law as a sign that I do not agree with it. I acknowledge it will be overridden and it will not change anything in substance, but I will veto every law that will be passed in the wrong direction within the next 6 months," the President announced at a special briefing yesterday.

She noted that this is a political veto rather than a legal one, stressing that she cannot allow Georgia to pass a law that further restricts human rights, especially when Georgia is asked to provide more guarantees in this regard, be more democratic, and more European.

EU Ambassador to Georgia H.E. Carl Hartzell has also assessed the bill, stating that the changes "significantly reduce Georgian citizens' right to privacy."

"We take note of the fact that Georgia continues to introduce important legislative amendments through rushed Parliamentary processes, without the necessary domestic or international consultations and without properly analyzing their



► President of Georgia Salome Zourabichvili



► The now-vetoed bill was passed by 78 votes to 11.

compliance with European standards," EU Ambassador to Georgia said.

At the briefing, Zourabichvili also criticized both the Georgian Government and opposition over the "confrontation, insults, intolerance, and disobedience" both sides showed at Wednesday's parliament session, instead of displaying "restraint, politeness, and respect". According to her, the sides should not argue about what led to the European Commission's decision to issue a set of conditions for granting Georgia the EU membership candidate status, but instead should focus on "what we are doing in these last days in order to present our issue in the most positive way and get successful results."

NEWS IN BRIEF

PREPARED BY THE MESSENGER STAFF

Ursula von der Layen Comments on Georgia's European Aspirations at Plenary Session

"Ukraine, Moldova and Georgia are telling us that they want Europe," European Commission President Ursula von der Layen said at the plenary session of the European Parliament.

"By applications, Ukraine, Moldova and Georgia tell us they want a change, they want more democracy, they want freedom and strong reforms. They tell us they want Europe. We have a responsibility to them, but we also have a responsibility to make the right choice," she said.

At the same time, Layen noted that Georgia must unite politically to succeed.

"Georgia has the same aspirations and potential as Ukraine and Moldova. Their application has strength, in particular, the market orientation of its economy, along with a strong private sector. To succeed, the country needs to get united politically, it must work out a clear path toward structural reforms and the EU. The path, which includes relevant reforms, unites civil society and enjoys broad political support.

How far Ukraine, Moldova, and Georgia will go depends on their actions and progress," von der Layen said.

Public Defender Sends Letter to European Council President Charles Michel, Asks to Grant Georgia Candidate Status

The Public Defender of Georgia sent an official letter to the President of the European Council, Charles Michel, requesting the President and the Heads of the EU Member States to consider the aspirations of the Georgian people towards the European family. "Your Excellency, I hereby extend the assurances of my highest consideration personally to you, as well as the President of the European Commission, and the Heads of State/Government of the 27 EU Member States. The EU has always been a firm supporter of Georgia in its European aspirations and the results of this support have been felt by many of us for decades. Let me express our utmost gratitude for this assistance. I remain convinced that the EU-Georgian cooperation will keep strengthening, while the progress that comes with the European integration will benefit the citizens of both the EU and Georgia who share the common values and are united in forging a more humane, peaceful, and prosperous future. I am addressing you today as the Public Defender (Ombudsman) of Georgia, which is an independent constitutional body that supervises the protection of human rights and freedoms by public authorities in Georgia.

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EXCHANGE RATES: US DOLLAR - 2.9326 | EURO - 3.0857 | GBP - 3.5954 | 100 RUSSIAN RUBLE - 5.5558 | SWISS FRANC - 3.0377 |

Venice Commission Adopts Opinion on December 2021 Amendments to Organic Law on Common Courts

BY NATALIA KOCHIASHVILI

The Venice Commission issued a report on June 20 evaluating the amendments to the Law on Common Courts of December 30, 2021. In the last bit of the document the Commission underlines that it remains at the disposal of the Georgian authorities for further assistance in this matter. The Venice Commission notes that, while the formal accelerated legislative procedure appears to have been respected, it regrets that the adoption of the December 2021 amendments to the Organic Law on Common Courts of Georgia was done with excessive haste, lacked transparency as to its motives and aims and was conducted without inclusive and effective consultations.

According to the Opinion, democratic law-making is not a formal concept and the Venice Commission is always critical of a rushed adoption of acts of Parliament, regulating important aspects of the legal order, without normal consultations with the opposition, experts or civil society.

Commission underlines that the combined effect of a rushed adoption of the 2021 Amendments and their introduction of an increase in the powers of the HCoJ to second/transfer judges without their consent, and the new and vague grounds for disciplinary misconduct and the suspension of a judge's salary in the case of a disciplinary investigation – may in the specific context of Georgia create a chilling effect on judges' freedom of expression and internal judicial independence. The Venice Commission therefore made the



following 5 recommendations as regards the 2021 Amendments: **Reallocation of judges:** It should be clarified that a judicial candidate appointed in the second round must fulfil all the requirements of the specific vacancy, e.g., specialisation requirements. **Secondment or transfer of judges:** the secondment of judges against their will should only be possible in exceptional cases and justified by a legitimate objective. Clear and narrow criteria as well as shorter time periods for secondment should be provided. A random or objective procedure with a geographical limitation should be reintroduced.

Recusal of district court and court of appeal judges from trial:

• Given the severity of recusal, the criterion "reasonable belief, that remaining on this position he/she will prevent disciplinary proceedings and/or recovery of damages caused by disciplinary misconduct, and/or will continue violation of labour discipline." appears too vague and broad.

• The time limits for filing an appeal (3 days) and reviewing the appeal (5 days) seem to be too short to allow the judge sufficient time to present his or her case before the Disciplinary Chamber.

• The salary of a judge should not be suspended before any disciplinary offence is proven and a decision as to disciplinary liability is made.

Disciplinary liability of judges: In conformity with the Venice Commission's recommendation in its 2014 Opinion, the 2021 Amendments lower the majority requirement from two-thirds majority to absolute majority for the HCoJ's decisions on "disciplinary matters". However, the Venice Commission stresses that persistent and widespread claims of corporatism and self-interest in the HCoJ damages the public trust in the judiciary and should be taken seriously. New grounds for disciplinary misconduct: If the wording "political neutrality" is to be maintained, the law should qualify the grounds for disciplinary sanctions to only

manifest violations of the duty of neutrality or by excluding certain types of issues, such as reforms of the court system and legislative issues. In the last bit of the document the Commission underlines that it remains at the disposal of the Georgian authorities for further assistance in this matter. The conclusion of the Venice Commission was evaluated by the Chairman of the Legal Affairs Committee, Anri Okhanashvili, who found one of the recommendations 'strange'.

"On October 14, 2014, the Venice Commission recommended that the High Council of Justice make decisions on disciplinary matters by a simple majority. We have strictly implemented this recommendation as a result of the amendments made on December 30, 2021, however, the Venice Commission has already expressed a different opinion regarding its strictly implemented recommendation. We are ready to continue discussions with the Venice Commission on this strange recommendation, as well as on the recommendations presented in general, as before," Okhanashvili said.

Recall that the Public Defender and a 5-member panel of judges have appealed the amendments to the Law on Common Courts to the Constitutional Court. The bill was followed by a critical and scathing assessment of the non-governmental sector, the diplomatic corps and the opposition during the accelerated review phase. According to NGOs, the changes uniquely weaken individual judges and strengthen intra-corporatism and clan influences within the system. Despite numerous appeals, President Zourabichvili did not veto the law.

NEWS IN BRIEF

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The Ombudsman has over the decades been acting resolutely within its constitutional mandate and enjoys wide support and trust from the members of the public as well as the international community at large. During such critical times, I feel obliged to address you ahead of the upcoming European Council meeting on 23 and 24 June 2022, which is expected to make a final decision about the membership applications from Ukraine, the Republic of Moldova, and Georgia. As you are aware, on the 17th of June 2022, the European Commission issued Opinions on Georgia's, the Republic of Moldova's, and Ukraine's application for the EU membership in which the Commission recommended granting a European Perspective to all

three states. Furthermore, while for Ukraine and the Republic of Moldova the Commission recommended granting a candidate status, with respect to Georgia the Commission has put forward a clear set of conditions to be met before the candidate status is granted. This risks the separation of Georgia from the rest of the Associated Trio, even though it has been seen for many years as a frontrunner among the three and shares with them the threats coming from the Russian Federation.

This is an existential matter and moment for the whole nation, who have already made their conscious choice of European and Euro-Atlantic integration, embodied in the Constitution of Georgia. In Georgia, European integration is not only a foreign policy option but a moral and cultural choice shared by a wider

political spectrum and supported by the absolute majority of Georgians. An unprecedented number of demonstrators marching in Tbilisi on the 20th of June is a recent confirmation of this. The civil society-led rally was held for the sole purpose of expressing unwavering support for Georgia's EU integration, regardless of the political affiliation. Europe is a historic choice and aspiration of the Georgian people, for which all generations have made sacrifices. The idea of the European perspective consolidates society and reduces polarization. Consequently, in the face of the most acute domestic and foreign policy challenges, it is crucial for us now that Georgia, together with Ukraine and the Republic of Moldova, is granted the EU candidate status with the precise conditions to be met within strict timelines.

The European Commission has already outlined the most challenging issues to be addressed immediately by Georgia and let me confirm that the issues set out in the Opinion have been voiced by the civil society and the majority of Georgians, as well as the Ombudsman for many years already. It is for the reasons outlined above that I appeal to you today to consider granting the EU candidate status to Georgia. I firmly believe that European integration is the only driving force for progress in Georgia and the recommendations of the European Commission will act as a road map in this process. Let me assure you that the Public Defender will oversee this process and the Georgian people, civil society, and the media will be there to safeguard the fulfillment of these conditions," reads the letter.

THURSDAY		JUNE 23	
Day		Partly cloudy	High: 26°C
Night		Partly cloudy	Low: 15°C
FRIDAY		JUNE 24	
Day		Partly cloudy	High: 29°C
Night		Light rain	Low: 17°C

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The English-Speaking Union Of Georgia celebrated the Birthday of Queen Elizabeth II in the garden of "British Corner" (British-Georgian Cultural Centre). Queen Elizabeth is the Patron of the English-Speaking Union. Before the coronation, Princess Elizabeth was the President of the ESU. The ESU is more than 100 years old. It was set up in London in 1918. Initially it was the union between the UK and USA. Today there are more than 50 ESU-s all over the world. The main goal of the ESU is promoting friendship and understanding through the En-

glish language.

The president of the ESU for 60 years was HRH Prince Philip, Duke of Edinburgh, current President is Princess Anne. One of the first chairmen was Sir Winston Churchill.

Marina Tsitsishvili founded ESU in Georgia, in 1998 and since then ESU-

Birthday celebration of the Queen Elizabeth II at the 'British Corner'

Georgia has been celebrating the Queen's Birthday. This year it was a special occasion as it coincided with the Queen's Platinum Jubilee. The event was attended by the Deputy British Ambassador Ms. Clare Allbless, Military Attache of the British Embassy Mr. Anthony Brumwell, Mr. Revaz Gachechiladze,

former Georgian Ambassador to Great Britain, representatives of the British Council and American Embassy, ESU-Georgia members and friends. One of the highlights of the event was a composition played by Ika Grishashvili, British Corner student, who dedicated this piece of music to Her Majesty.





