



BULLETIN

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Georgia after Merabishvili's Arrest: A Ukraine Scenario?

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The recent arrest of Vano Merabishvili, Georgia's former prime minister, closest associate of President Mikheil Saakashvili and leader of the opposition, raise suspicions that the current government uses prosecutors as instruments of political persecution on its opponents. However, it is too early to compare this case with the case of Ukraine's former prime minister, Yulia Tymoshenko, already rated as "selective justice" by the U.S., European Union and many international organisations. The EU should closely monitor the legal proceedings in Merabishvili's case and put further pressure on Georgian authorities to force them to continue the reform of prosecutors' offices and the judiciary.

Since 21 May, the Secretary General of the Georgian opposition, United National Movement's (UNM) Vano Merabishvili, has remained in custody. According to the prosecutor in charge of his case, the former prime minister is responsible for mispending more than €2.3 million in public funds on the UNM election campaign last year. The prosecutor claims the money was granted to UNM followers formally as part of a programme to reduce unemployment but in fact was aggregated for party use. Merabishvili is also accused of the misappropriation of a private villa in 2009 when he served as minister of Internal Affairs. According to the prosecutor, Merabishvili, using his political position, simply forced the owner to leave his house to the ministry, and later—while using the villa for private purposes—spent public money for its renovation. The prosecutor's office also reported two other charges that will soon be levied on Merabishvili—one in connection to his alleged interference into a murder committed in 2006 by Interior Ministry officials, and the other concerning the dispersal of an opposition rally in Tbilisi while he was in power that resulted in the deaths of two people.

Merabishvili's Arrest in the Context of the Upcoming Presidential Election. The critics of Prime Minister Bidzina Ivanishvili's coalition government claim that the arrests of opposition politicians since October's parliamentary elections on various charges related to violations of human rights or misuse of public funds are nothing other than political persecution. President Mikheil Saakashvili compared Merabishvili's arrest to the imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko, which is commonly perceived in the EU and the U.S. as a case of "selective justice" applied by the Ukrainian government in order to eliminate a political rival. The UNM politicians stress that the arrest of Merabishvili happened just before the primary elections within the party to name its candidate for the presidential election. In their opinion, this move was planned by the authorities to eliminate the UNM Secretary General's candidacy. Still, it is not sure if Merabishvili really would have been elected by the UNM as a candidate for the October presidential elections. President Saakashvili, the UNM's main figure, is not allowed to stay on for a third term. All the politicians in UNM, including Merabishvili, have very low ratings in public opinion polls. Hence, choosing a candidate is not an easy task for the party. It seems that it waited for a decision by the ruling coalition, Georgian Dream (GD), about its nominee in order to appoint a UNM candidate who has the ability to compete with the authorities' candidate.

GD announced its candidate on 11 May—Deputy Prime Minister and Minister of Education Giorgi Margvelashvili. By appointing a person relatively unknown and inexperienced in terms of politics, Prime Minister Ivanishvili is probably seeking to achieve a more long-term goal than just a GD victory in the presidential election. From Ivanishvili's point of view, since Margvelashvili lacks a political background in terms of a party or an established group of supporters, the

philosopher and political scientist will be a president who has rather little chance to become a political rival. The likely goal of the prime minister is to cement his power, which anyway will be seriously strengthened after constitutional changes enter into force in October at the end of Saakashvili's term. These changes will delegate most of the current presidential powers to the government and parliament.

Merabishvili's arrest, whether deliberately an act of selective justice or not, will help the little-known Margvelashvili to win the election. It is a very serious blow to the opposition, which is already weak and increasingly divided. Even after UNM's defeat in the last elections and the subsequent conflicts that emerged between various factions in the party, its supporters still highly value Merabishvili's past successes. His greatest achievements as minister of Internal Affairs were the establishment of normally functioning police after dismembering the corrupt Soviet-style "militsiya" (militia) and eradication of widespread crime and mafia activities inherited from the era of President Eduard Shevardnadze.

Georgia's International Perception. Regardless of the current political problems, Georgia (along with Moldova) is a leader of the Eastern Partnership countries that seek closer relations with the EU by signing Association Agreements. Negotiations on a Deep and Comprehensive Free-Trade Agreement with the EU may be completed in June. It does not seem that the arrest of Merabishvili will affect these negotiations. However, this event did not go unnoticed in Brussels. EU High Representative for Foreign Affairs Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle warned the Georgian government that the EU expects an independent and fair trial in the case. Although it was not said openly, the EU officials are worried about impartiality in the legal procedures. It is difficult to say much about the level of responsibility of arrested persons for their alleged abuses of power before the judges' verdicts. Even after the results of the trials become known, many sympathisers of President Saakashvili and UNM, both in Georgia and abroad, will not accept the court's judgments and will say that they were political verdicts. Unfortunately, it will be difficult to discredit such voices as long as the Georgian justice system remains vulnerable to the influence of executive power.

Western observers of Georgia's political scene often tend to adopt the government's narrative about the authoritarian nature of the "Saakashvili regime" or the opposition's narrative that the arrests of several dozen former UNM government members since last October are signs of GD political vengeance. Both narratives, although they are a normal part of the political struggle in a democracy, spoil the image of Georgia by highlighting the abuses of power of the UNM, which ruled until October 2012, as well as the current government of Ivanishvili.

Conclusions and Recommendations. For Georgia, which had only a brief episode of a democratic republic from 1918 to 1921 followed by 70 years of Soviet rule, democratisation is not an easy task. Therefore, even if many of the allegations against former members of the UNM government prove to be justified, that does not mean that Georgia was an authoritarian state until October 2012. Similarly, if some of the arrested persons were victims of zealous prosecutors stimulated by politically motivated superiors, that does not mean the end of a democratic process in the country. Rather it reveals the challenges that still have to be overcome by Georgia's political elite.

Poland should maintain the EU's interest in supporting Georgia and convince opponents about the benefits to be derived for EU Member States from strengthening political and economic ties with the country. In this context, particularly important will be the Eastern Partnership summit in Vilnius in November, during which initialling an EU Association Agreement with Georgia is planned. Agreement on a free trade zone between the EU and Georgia will be beneficial for many European companies, including Polish ones, operating on the Georgian market. Generally, the EU–Georgia Association Agreement will be a milestone along Georgia's way to European standards of democracy and a free market.

Taking into account the recent arrests of close associates of President Saakashvili, the EU must continuously monitor the legal proceedings in Georgia. If there is justified suspicion about undemocratic actions by the new government in Tbilisi, the EU should not be afraid of a firm response, mainly by freezing financial assistance. However, the situation in Georgia should not be perceived through the prism of the EU's problems in its dialogue with Ukrainian authorities relating to the imprisonment of former Prime Minister Tymoshenko. It is too early to assess Merabishvili's arrest as an example of the use of politically motivated justice.

Poland and other EU countries should continue and extend programmes of cooperation between their state institutions and Georgian partners to help the latter advance democratic standards and adopt European practises of good governance. Particular attention should be paid to carrying out comprehensive reform of the prosecution and the judiciary to ensure their independence from the executive.