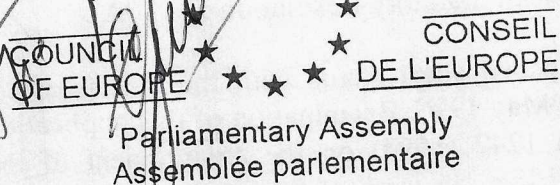


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## Georgia's application for membership of the Council of Europe

Report

Political Affairs Committee

Rapporteur: Mr Terry Davis, United Kingdom, Socialist Group

### *Summary:*

Georgia applied to join the Council of Europe on 14 July 1996. Since 1996, the country has been associated with various activities of the Organisation, taking part in intergovernmental co-operation and assistance programmes as well as in the work of the Parliamentary Assembly through its special guest delegation.

Given the significant progress made by Georgia in creating a pluralist society based on respect for human rights and the rule of law, the Assembly recommends that the Committee of Ministers invite Georgia to become a member of the Council of Europe. Georgia will have to continue its reforms and, in particular, fulfil the commitments listed in the Assembly's opinion within specific deadlines:



## I. Draft opinion

1. Georgia applied to join the Council of Europe on 14 July 1996. By Resolution (96) 33 of 11 September 1996, the Committee of Ministers invited the Parliamentary Assembly to give an opinion on this application, in accordance with Statutory Resolution 51 (30A).
2. The Parliament of Georgia applied for special guest status with the Parliamentary Assembly on 4 March 1993 and obtained it on 28 May 1996. Examination of this application was linked to the adoption of Recommendation 1247 (1994) on the enlargement of the Council of Europe, in which the Assembly stated that "in view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly indicated their will to be considered as part of Europe".
3. An *ad hoc* committee of the Assembly observed the parliamentary elections held in Georgia on 5 November 1995 and noted that, in spite of what they considered to be some minor irregularities, "the election had proceeded calmly and apparently in acceptably normal and lawful conditions".
4. Since 1996, Georgia has been participating in various Council of Europe activities under the intergovernmental co-operation and assistance programmes, and in the work of the Parliamentary Assembly and its committees through its delegation of special guests.
5. Georgia has ratified the European Cultural Convention and the Convention on the Transfer of Sentenced Persons, and signed the Convention on the Academic Recognition of University Qualifications in Europe.
6. The Assembly considers that Georgia is a pluralist democratic society respectful of human rights and the rule of law and is able and willing, in the sense of Article 4 of the Statute, to continue the democratic reforms in progress in order to bring all the country's legislation and practice into line with the principles and standards of the Council of Europe.
7. Georgia has experienced two armed conflicts, in Abkhazia (1992-1994) and in South Ossetia (1990-1993). The Assembly believes that the country has demonstrated its resolve to settle conflicts by peaceful means, as is well illustrated by the substantial improvement in relations with South Ossetia.
8. The Assembly considers that the adoption of a declaration of friendship with the Abkhaz and Ossetian peoples, as well as increased contact at every level, would help to establish and consolidate a climate of confidence in relations with Abkhazia and South Ossetia.
9. The Assembly calls on the Abkhaz leaders to enter into talks with the Georgian Government on the autonomous status of Abkhazia within the internationally recognised borders of Georgia and on the return of all displaced persons to Abkhazia.



10. The Parliamentary Assembly expects Georgia to undertake:

i. *with regard to conventions*

a. to sign the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) as amended by its Protocols 2 and 11 at the time of accession;

b. to ratify the ECHR and Protocols 1, 4, 6 and 7 thereto within a year after its accession;

c. to sign and ratify, within a year after its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocols;

d. to sign and ratify, within a year after its accession, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;

e. to sign and ratify, within three years after its accession, the European Charter of Local Self-Government, the European Outline Convention on Transfrontier Co-operation and its additional Protocols and the Council of Europe conventions on extradition, on mutual assistance in criminal matters, and on laundering, search, seizure and confiscation of the proceeds from crime, and in the meantime to apply the fundamental principles of these instruments;

f. to sign and ratify the Council of Europe's Social Charter within three years after its accession and, in the meantime, to endeavour to implement a policy in accordance with the principles it contains;

g. to sign and ratify the General Agreement on Privileges and Immunities and the Protocols thereto within a year after its accession;

h. to sign and ratify the Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto within two years after its accession;

ii. *with regard to domestic legislation*

a. to enact, within two years after its accession, a legal framework determining the status of the autonomous territories and guaranteeing them broad autonomy, the exact terms of which are to be negotiated with the representatives of the territories concerned;

b. to adopt a law on the electronic media within a year after its accession;

c. to adopt a law on attorneys within a year after its accession;

d. to adopt, within two years after its accession, a law permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime, to begin implementation of this law within three years after its accession and complete repatriation of the Meskhetian population within seven years after its accession;

e. to amend the law on the Ombudsman within six months after its accession, so that a report on the Ombudsman's activities shall be presented to Parliament and made public every six months;

f. to take the necessary legislative and administrative measures within three years after its accession in order to permit the restitution of ownership and tenancy rights or the payment of compensation for the property lost by people forced to abandon their homes during the 1990-94 conflicts;

g. to amend, within three years after its accession, the law on autonomy and local government to enable all the heads of councils to be elected instead of being appointed;

iii. *with regard to the implementation of reforms*

a. to maintain and continue the reforms of the judicial system, the public prosecutor's office and the police force;

b. to continue and reinforce the fight against corruption in the judiciary, the public prosecutor's office and the police force;

c. to adopt the law concerning the transfer of responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice within three months after its accession and to ensure the effective implementation of this law within six months after it has been adopted;

iv. *with regard to human rights and minority rights*

a. to ensure strict observance of the human rights of detainees and continue to improve conditions of detention in prisons and pre-trial detention centres;

b. to review the cases of persons convicted or detained for their part in the political upheavals of 1991-92 within two years after its accession;

c. to prosecute resolutely and impartially the perpetrators of war crimes committed during the conflicts in Abkhazia and South Ossetia, even within its own armed forces;

d. to base its policy concerning minorities on the principles laid down in the Assembly's Recommendation 1201 (1993) and incorporate these principles into the country's legal and administrative systems and practices;

v. *with regard to the conflict in Abkhazia*

a. to continue the efforts to settle the conflict by peaceful means and do everything in its power to put a stop to the activities of all irregular armed groups in the conflict zone and to guarantee the safety of the peace-keeping forces, the United Nations Observer Mission (UNOMIG) and representatives of all international organisations involved;

b. to facilitate the delivery of humanitarian aid to the most vulnerable groups of the population affected by the consequences of the conflict;



vi. *with regard to the monitoring of commitments*

to co-operate fully with the implementation of the Assembly's Resolution 1115 (1997) on the honouring of obligations and commitments by member states of the Council of Europe, as well as with the monitoring process set up under the Declaration of the Committee of Ministers dated 10 November 1994 (95th session).

11. On the basis of these commitments the Assembly believes that Georgia is able and willing, in accordance with Article 4 of the Statute of the Council of Europe, to fulfil the conditions of membership of the Council of Europe as set forth in Article 3 of the Statute in the following terms: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council (of Europe)".

12. With a view to ensuring compliance with these commitments, the Assembly decides, pursuant to Resolution 1115 (1997), to monitor the situation in Georgia closely as from the country's accession.

13. On the basis of the commitments set out above, the Assembly recommends that the Committee of Ministers

- i. invite Georgia to become a member of the Council of Europe;
- ii. allocate five seats to Georgia in the Parliamentary Assembly.



## II. Explanatory Memorandum by Mr Davis

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## 1. Introduction

The Georgian Parliament requested special guest status with the Parliamentary Assembly on 4 March 1993. For some time the reply to the application awaited the outcome of the debate about the Council of Europe's geographical limits. That question was settled by Recommendation 1247 (1994) on enlargement of the Council of Europe, in which the Assembly said that, "in view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly [indicated] their will to be considered as part of Europe".

2. On 3 February 1995 the Bureau of the Assembly decided to set in motion the procedure for examining the application for special guest status. For that purpose a Bureau ad hoc committee monitored the parliamentary elections held in Georgia on 5 November 1995.

3. The Georgian Parliament was granted special guest status on 28 May 1996. On 14 July 1996 Georgia applied for membership of the Council of Europe. The Committee of Ministers invited the Assembly to give its opinion on this issue in Resolution (96) 33 of 11 September 1996 (see Appendix 1).

4. At the request of the Bureau of the Assembly, a delegation of distinguished lawyers (Mr Stefan Trechsel, President of the European Commission of Human Rights, and Mr Isi Foighel, judge at the European Court of Human Rights) visited Georgia from 16 – 20 June 1997 to look at whether the Georgian legal system complied with the Council of Europe's basic principles from the point of view of pluralist democracy, the rule of law and respect for human rights. The report of the visit (AS/Bur/Georgia(1997)1) was declassified by the Bureau on 7 November 1997 and its findings are reproduced in Appendix 2 to the present report.

5. I was appointed rapporteur on 4 December 1997 and visited Georgia twice from 13 to 16 April 1998 (Tbilisi) and from 28 July to 8 August 1998 (Tbilisi, Abkhazia, Adjara and South Ossetia). On my first visit I was accompanied by Mr Nemeth (Hungary), rapporteur for opinion of the Committee on legal affairs and Human Rights. In June 1998, Mr Nemeth was replaced as rapporteur for opinion by Mr Kelemen (Hungary) who accompanied me on the second visit. The programmes of the visit will be found in Appendices 3 and 4.

6. I would like to thank the Georgian authorities and, in particular, the Georgian Parliament for the excellent organisation of the visits and their hospitality. I would also like to thank the Embassy of the Federal Republic of Germany and the Greek Embassy for organising meetings with Council of Europe member states' diplomatic corps in Tbilisi, and the United Nations and OSCE missions in Georgia for helping to arrange the visits to Abkhazia and South Ossetia.

## 2. Background

7. Present-day Georgia covers 69700 km<sup>2</sup> and has a population of 5.4 million. The state of Georgia was founded in the third century BC. From the 18<sup>th</sup> century onwards, tsarist Russia took on the role of protecting her and it annexed Georgia in 1801. After the first world war, Georgia had a brief period of independence before being conquered by the Red Army and being incorporated first into the Federal Socialist Soviet Republic of Transcaucasia and then into the Soviet Union.



8. When the Soviet Union began to collapse, Georgia embarked on the road to independence. In October 1990 the nationalist bloc headed by Mr Zviad Gamsakhourdia, a former dissident, won 57% of the votes in the pluralist general elections. In a referendum of 31 March 1991, 99% of Georgians expressed support for independence which was officially proclaimed by the Supreme Soviet on 9 April 1991. Mr Gamsakhourdia was elected president with 87% of the votes in the presidential elections in May 1991.

9. However the situation in the country worsened on account of a drift into nationalism by the new government and President Gamsakhourdia's authoritarian methods. After the coup d'Etat in January 1992, power was seized by the leaders of the two victorious militias (Mr Kitovani and Mr Iosseliani) who set up a military council to govern the country. Mr Gamsakhourdia fled the country and died on 31 December 1994.

10. Under the military council, Georgia lapsed into chaos, made even worse by the armed complaints between the central authorities and the Ossetian separatists (1990-93) and the Abkhaz separatists (1992-94). Unable to control the situation, the military council appealed, in March 1993, to Mr Shevardnadze, who agreed to head a state council set up to replace the Military Council.

11. The second pluralist parliamentary elections took place in October 1993 and, by direct suffrage, Mr Shevardnadze was elected President of the Parliament, with extensive quasi-presidential powers. In August 1995, the parliament adopted a constitution on a basis of wide consensus. The next parliamentary elections, in November 1995, ended the period of political upheaval and established solid foundations for properly functioning democracy in Georgia.

### 3. Political Situation

#### *Compliances with the rules of pluralist democracy*

12. As stated above, an ad hoc Parliamentary Assembly committee monitored the parliamentary elections in November 1995. They concluded that despite irregularities which they had seen at first hand but which they considered to minor, the elections had proceeded calmly and, as far as they could see, reasonably normally and lawfully. The committee drew attention to the sound preparations and arrangements, the commitment of political parties, the goodwill and good humour of all involved, including candidates, and the maturity of the Georgian electors.

13. Now the pluralist system is established and political parties are not being hampered in their activities. Parliament is clearly independent, which is essential to counterbalance the president's broad powers. Parliament has already instituted three sets of impeachment proceedings against members of the government. The three ministers concerned (those of state security, finance and energy) resigned before the proceedings ran their full course. In July and August 1998 Parliament was actively involved in the government reshuffle.

14. Parliament comprises 235 members, of whom 150 are elected on the basis of proportional representation and 85 in a first-past-the-post system. Eleven parties are represented, of which three cleared the statutory 5% hurdle required to enter parliament on the basis of proportional representation (the Citizens' Union, the National Democratic Party of Georgia and the All-Georgian Union for Revival. The Citizens' Union, President



- Shevardnadze's party, is currently in power and has a majority as a result of a coalition with two other parliamentary fractions.

15. While the "official" political landscape appears to operate in a normal democratic way, there are challenges in some quarters to the legitimacy of the current régime, including the 1992 and 1995 elections. The "Zviadists", the supporters of former President Gamsakhourdia, are a prominent challenger. Another movement comprises supporters of Mr Iosseliani, formerly a member of the military council, who is currently in detention during trial. These and other movements are accused of terrorist acts such as the attacks on President Shevardnadze in August 1995 and February 1998 and the taking hostage of four United Nations observers in February 1998.

16. There does not seem to be any obstacle to these movements, including the "zviadists" setting up as political parties and taking part in Georgian political life and in elections. I was assured of this by Mrs Gamsakhourdia, the wife of the president, who is one of the leaders of the "round table" movement, a movement of members of the parliament elected in 1990 and overthrown by the military coup. The "round table" refuses to take part in political life under the present régime and wants the 1990 parliament reinstated.

#### 4. Autonomous Territories

17. Georgia comprises the following autonomous entities:

- the Autonomous Republic of Abkhazia (capital: Sukhumi);

- the Autonomous Republic of Adjara (capital: Batumi);

- the Autonomous Region of South Ossetia (capital: Tskhinvali).

18. Of these three, only Adjara can be regarded as wholly integrated into Georgian state structure. In Abkhazia and South Ossetia the situation was such that it was not possible to hold parliamentary elections in November 1995.

19. The current Parliament comprises a single chamber. However the constitution provides for a bicameral parliament (Council of the Republic and Senate) "once there are appropriate conditions and self-governing bodies have been created over the whole territory of Georgia". The Senate will consist of members elected from Abkhazia, Adjara and other territorial units of Georgia (as well as five members appointed by the president).

20. I regard the situation in Abkhazia and South Ossetia as highly relevant to scrutiny of the membership application and consequently I visited these regions in the framework of my second visit to Georgia from 28 July to 3 August 1998. On that occasion I also visited Adjara, taking up an invitation from Members of Parliament for the region.

#### Abkhazia

21. The armed conflict between the Abkhazian separatists and the Georgian authorities broke out in August 1992 and fighting officially stopped on 14 May 1994 with the signing of a cease fire agreement. The Commonwealth of Independent States (CIS) peace-keeping forces, composed of units of the Russian army, have been deployed in the buffer zone (along the Ingur river). Around 120 unarmed UN observers are also there (UNOMIG).



22. In addition to the thousands of both civilian and military dead, large areas of Abkhazia have been devastated and 250 000 people have been driven out of the region. These acts were condemned as ethnic cleansing in the OSCE Budapest and Lisbon summit documents. A more detailed account of the origins and progress of the conflict in Abkhazia will be found in the report on the conflicts in Transcaucasia (Doc. 7793) (rapporteur Mr Seitlinger), which gave rise to the adoption of Resolution 1119 (1997).
23. Returning the displaced persons currently located in Tbilisi and elsewhere in Georgia is a major problem. A quadripartite agreement (between Georgia, the Abkhazians, Russia and the United Nations) on the conditions and procedure for returning refugees and internally displaced persons was concluded on 4 April 1994. While the Abkhazian authorities have agreed in principle to the return, they are making it impossible in practice.
24. Abkhazian opposition to the return of refugees and internally displaced persons must also be viewed in the context of the demographic situation. In 1989 the population of Abkhazia comprised some 240 000 Georgians, 93 000 Abkhazians and 7 000 Russians. Since Abkhazians are not in the majority in a region they claim as their own, a return to the pre-war situation would seriously challenge, amongst other things, their claims to independence.
25. By May 1998, around 50 000 of the 250 000 displaced persons had spontaneously returned to the area near the buffer zone where Abkhazian control is weak (the Gali area). However, further hostilities broke out at the end of May 1998, causing considerable loss of human life. Most of those who have returned (around 40 000) have been forced to abandon their homes for a second time. Their humanitarian situation is very worrying.
26. I welcome the moderation shown by President Shevardnadze, who refused to send in the Georgian army during the May 1998 crisis. Activity by "partisans" (the Georgian resistance) seems to have played a part in triggering the hostilities. Recruiting from amongst displaced Georgians, the "partisans" infiltrate the territory controlled by the Abkhazians and also attack the CIS buffer forces. More than 60 Russian soldiers have been killed in such attacks.
27. The Abkhazians have attempted to give some semblance of legitimacy to their self-proclaimed "state". A "constitution" was adopted in December 1994, and Mr Ardzinba was appointed "president". These developments were condemned by the UN Security Council as a violation of Georgian sovereignty and territorial integrity. "Parliamentary elections" were held in November and December 1996 and "local elections" in March 1998. These elections were denounced as unacceptable by the UN Security Council, the European Union and OSCE.
28. The economic and social situation in Abkhazia is very difficult, and is worsened by the embargo imposed by the CIS. Around two thirds of the pre-conflict population has left Abkhazia, taking refuge mainly in Russia, and the exodus is continuing. A significant proportion of the remaining population is reliant on international humanitarian aid.
29. Relations between Abkhazia and the Georgian authorities remain tense. Negotiations continue at Geneva under United Nations auspices but thus far there has been no tangible result. I take the view that minimum conditions must be met – the parties to the conflict must refrain from all use of force, the terms of the 1994 cease fire must be complied with, and the right conditions must be created for return of displaced population.



30. When I met the "President of Abkhazia", Mr Ardzinba, he said that incorporating Abkhazia into Georgia would mean assimilation of the Abkhazian people and ultimately its disappearance. He regarded Abkhazia as an independent state without any legal ties with Georgia. Consequently admitting Georgia to the Council of Europe would not have any effect on Abkhazia.

31. Abkhazia cannot be allowed any veto on Georgian membership of the Council of Europe. I am convinced that Georgia has demonstrated its wish to settle the conflict in Abkhazia by peaceful means. The Georgian authorities have told me that they are willing to grant Abkhazia the utmost autonomy, including the right to veto national legislation concerning Abkhazia.

32. I therefore appeal to the Abkhazian leadership to agree to dialogue with the Georgian authorities on autonomous status within Georgia's internationally recognised borders and on return of displaced persons to Abkhazia.

33. To help establish a climate of trust in relations with Abkhazia, I believe the Georgian Parliament should adopt a declaration of friendship with the Abkhazian people and that contact with Abkhazia should be stepped up at all levels. I likewise think that Georgia should set an example and undertake to take impartial proceedings against persons who committed crimes during the Abkhazian conflict, including members of its own armed forces.

34. The Georgian authorities must do everything in their power to halt "partisan" activity and to safeguard CIS and UNOMIG staff forces. They must also fully observe the human rights of everyone in the conflict zones, including persons of Abkhazian origin involved in the fighting.

#### *South Ossetia*

35. South Ossetia covers 3 900 km<sup>2</sup> - 5.5% of Georgian territory. After a deterioration in relations between the Ossetians and the régime of President Gamsakhourdia, South Ossetia declared independence in 1990. This was followed by an armed conflict, which came to an end in late 1992 with the signature of a cease fire agreement. Some 53 000 people - 39 000 of them Ossetians and 11 000 Georgians - were displaced by the conflict. In 1993 South Ossetia adopted a constitution upholding Georgia's territorial integrity.

36. The present government of Georgia recognises that Mr Gamsakhourdia's nationalist policies greatly contributed to the outbreak of the conflict. At present the Georgian authorities are actively involved in seeking an overall political settlement, return of displaced persons and full reconciliation between the Georgian and Ossetian peoples.

37. A joint supervisory committee has been set up to deal with the various problems in relations between South Ossetia and the central authorities. The main problems include agreeing South Ossetia's status and arrangements for return of displaced persons as well as settling the question of recovery of displaced persons' property or compensation for it.

38. I met the commanders of the joint peace force, composed of Georgian, Ossetian and Russian units. They confirmed that there has not been any ethnic conflict for three years now and they expressed confidence that normalisation of the situation would continue. The peace



force itself is a good example of reconciliation. Georgian, Ossetians and Russians make joint patrols and share the same barracks. The parts which Russia and its armed units are playing in settling the conflict is greatly appreciated.

39. When I met the President of South Ossetia, Mr Chibirov, he expressed great appreciation of the reconciliation efforts by the Georgian Government and President Shevardnadze. Even though negotiations on South Ossetia's status have not yet produced a result, the process seems to be set fair. In particular he said that there was no hatred between Georgians and Ossetians and that this was the best possible guarantee that there would be no resumption of hostilities. Mr Chibirov supported Georgian admission to the Council of Europe.

### *Adjara*

40. The autonomous territory of Adjara (2 900 km<sup>2</sup>, 4.2% of Georgia) is the only one of the three territories which has not been in armed conflict with the central authorities. It enjoys extensive autonomy guaranteed by its own constitution. While there is occasional tension in relations with Tbilisi, Adjara is fully part of Georgia. Its population of 392 000 is mainly composed of Georgians (83%), Russians (7%), Armenians (4%) and Greeks (2%).

41. In the general elections in 1995 the Party for Adjarian Renewal won 31 seats in the Georgian Parliament. The party has since split into two groups, one of which (comprising around 2/3 of the party) is opposed to the Government, that of Mr Shevardnadze. The other group is part of the parliamentary majority.

42. The elections to the Adjarian Supreme Council were held in 1996 and confirmed the domination of Mr Abashidze, President of the Adjarian Supreme Council, and his party. International observers were not allowed to monitor the elections. However, Mr Abashidze gave me an undertaking to amend the Adjarian constitution so as to allow international monitoring of elections to the Supreme Council.

43. When I met Mr Abashidze, he said he wanted the Georgian constitution to clearly lay down the status of the autonomous territories, including in economic matters. He said his party had not had enough access to the media in Tbilis, particularly television. However, he firmly supported Georgia's joining the Council of Europe.

44. Adjara was a member of the Assembly of European Regions, a non-governmental organisation based in Strasbourg and which has consultative status with the Council of Europe.

### *Conclusions*

45. My visit to the autonomous territories confirmed that Georgia is a country wishing to settle its conflicts by peaceful means (in Abkhazia and South Ossetia) and which respects the autonomy of all. It is vital that constitutional provisions be adopted as soon as possible to lay down the status of the autonomous territories, and this must come from negotiations with their representatives.



## 5. Local and Regional Authorities

46. According to the distinguished lawyers in 1997, there was still a serious lack of local government in Georgia. In my view, the authorities have made great efforts to make good this deficiency. A law on local autonomy and local government was passed and local elections took place on 15 November 1998.

47. A delegation of the Congress of Local and Regional Authorities of Europe (CLRAE) observed these elections. It has described them as a very significant step towards establishment of self-governance effectively responsible to the needs of the local community. The fact that the elections, contested by many parties, were held without any major incidents shows that the country has made significant progress in the way of joining the family of European nations, concluded the CLRAE.

48. However, the legislation in the matter is criticised by the opposition, in particular for providing, at the second level (districts, including cities), for an elected council but a mayor (head of the district) appointed by the president. The authorities explain that the powers of the mayor and the council are balanced and that appointment of mayors is a provisional measure needed to guard against separatist tendencies. In my view the authorities should look again at the possibility of amending the legislation so as eventually to abolish the system of appointment of mayors.

## 6. The rule of law

### *Setting up of the legal system*

49. Some two hundred laws have been passed since the entry into force of the 1995 constitution. They include laws on the courts, the Constitutional Court, the Ombudsman, referenda, local self-government and local administration, the Prosecutor's Office ("prokuratura") and state security, as well as the codes of criminal and civil procedure and the civil code (the criminal code has been amended). For the most part, these laws are based on the experience of democratic countries and advice from international organisations, including the Council of Europe. Overall, I share the view of the distinguished lawyers that "impressive efforts have been and continue to be made to turn Georgia into a state based on the rule of law".

### *Law enforcement*

#### *The courts*

50. The laws needed to ensure the smooth running of the courts have been enacted: the law on the Constitutional Court, the law on courts and the codes of criminal and civil procedure. The Council of Justice, responsible among other things for selection of candidates for the judiciary and for dismissal of judges, has been set up.

51. Judicial reform is currently under way; one of the new requirements is that all judges be selected by examination and undergo training. This reform aims to counter the

incompetence and corruption that is rife among judges currently in post.



52. The first examination for judges was held in May 1998, under the supervision of international experts. There were 296 candidates, 45 of whom passed. The next examination will take place in October 1998 and there will then be two examinations per year. The Council of Justice expects that all 298 posts of judge will have been refilled in a year's time. The independence of the new judges will be enhanced by a substantial increase in salary.

#### *Public Prosecutor's Office*

53. In conformity with the constitution and the law on the public prosecutor's office, the latter's functions now conform to democratic standards: bringing criminal prosecutions, supervising investigations and the enforcement of sentences, and prosecuting in court. The general power to review the legality of state activities, one of the powers of the "prokuratura" under the Soviet régime, has been abolished.

54. To improve prosecutors' competence and moral integrity, full replacement of the complement of prosecutors is planned for 1999 – 2001, in accordance with the same principles as govern the reform of the courts. According to the Principal State Prosecutor, four prosecutors were dismissed in 1997 and five more in the first six months of 1998, for "illegal decisions". Two prosecutors have recently been charged with corruption.

#### *Police*

55. Human rights organisations have drawn attention to many abuses by the police (corruption, violence including torture, and arbitrary detention). The authorities accept that isolated incidents have occurred, but they claim that the accusations levelled against the police are being investigated, and that severe steps are taken whenever violations are proved.

56. As a result, 1 000 police officers have been dismissed in the last two years. According to the Principal State Prosecutor, 96 police officers were found guilty in 1997 and the first six months of 1998 of various crimes committed in the course of their duties.

57. Special attention is also being given to police training, with assistance from international organisations and several European countries.

58. It should be pointed out that alongside the Ministry of the Interior exists the Ministry of State Security, which has inherited the structure of the former Committee for State Security (KGB). Nevertheless, its responsibilities have changed and now include counter-espionage, protection of the constitution and combating terrorism, smuggling and the drug trade. The powers and responsibilities of this body were clearly defined in the recent law on state security.

#### *The Bar Association*

59. A new law on lawyers is in preparation. The lawyers whom I met told me that corruption and incompetence on the part of judges, police officers and public prosecutors had an adverse effect on practice of their profession. The democratic principles of the right to a defence, as laid down by law, were not systematically applied in practice. However, they were expecting an improvement after the judicial reform had been completed.



## 7. Respect for human rights and fundamental freedoms

60. Human rights are recognised by the constitution and guaranteed by specific institutional mechanisms. For example, individuals and the Ombudsman may apply direct to the Constitutional Court if they consider that a legislative measure interferes with constitutional rights and freedoms. There is a parliamentary committee on human rights and the rights of ethnic minorities, a national security council for human rights has been set up by President Shevardnadze and the Ombudsman has taken up his duties.

### *Death penalty*

61. Following a de facto moratorium on the death penalty declared in February 1995 and an official moratorium declared in December 1996, the death penalty was abolished in autumn 1997 by an amendment to the criminal code. Death sentences already handed down have been commuted to long prison sentences.

### *Political prisoners*

62. Some human rights organisations (such as the International Helsinki Federation for Human Rights, and the Caucasian Research Centre for Human Rights and Conflict Studies) allege that there are political prisoners, particularly followers of former president Gamsakhurdia. The authorities state that the people in question have been convicted for ordinary crimes (possession of weapons, sabotage, murder or attempted murder).

63. At its meeting in Georgia in July 1998, the Sub-Committee on Human Rights discussed this question and will formulate its conclusions in its opinion on this report. However, on the basis of my interviews with the various NGOs and the representative of the OSCE's Human Rights Office, I consider generally that there are grounds for reviewing the cases of people sentenced or detained because of their involvement in the political upheavals of 1991 and 1992.

### *Ombudsman*

64. The law on the Ombudsman was passed in May 1996 and Mr David Salaridze was appointed to this office. At present, the institution is being set up (premises and staff) and has not yet had the time to prove its effectiveness. However, members of the public have already begun to submit complaints.

65. When I met Mr Salaridze, I was unable to obtain the detailed information that I needed to form an accurate idea of how the Ombudsman operated. I therefore consider that the Ombudsman should be required to present a report on his activities to Parliament every six months (instead of once a year as currently planned) and the report ought to be published after Parliament has received it.

### *Prison system*

66. Detention conditions have been criticised by human rights organisations and the distinguished lawyers found that living conditions in detention centres were very uncomfortable and very poor. Nevertheless, they did not feel that the conditions in the centres they visited amounted to inhumane or degrading treatment.



67. The authorities told me that a sustained effort was being made to improve detention conditions gradually and, in particular, that they severely punished violations of prisoners' human rights. Conscious of the gravity of the situation, President Shevardnadze has issued a decree aimed at improving the protection of human rights.

68. The International Committee of the Red Cross (ICRC) and international organisations have access to all detention centres, where they may speak in private to any prisoner. Such meetings may also be arranged outside prisons.

69. The Sub-Committee on Human Rights visited a number of prisons and will submit its findings as part of its opinion. Nonetheless, I consider that observance of prisoners' human rights must continue to receive close attention even after Georgia has become a member of the Council of Europe. I also urge the Georgian authorities to take full account of the relevant recommendations of the United Nations Commission on Human Rights.

70. A decision has been taken in principle to transfer responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice but implementation has been postponed. I consider that this transfer should take place as soon as possible.

#### *Freedom of expression*

71. I believe that freedom of the press is secure. There are approximately 300 newspapers and magazines of all political complexions. There is no restriction on publication of articles critical of the government. To improve public and journalists' access to information, a law on freedom of information is in preparation.

72. Access to state television has been criticised by the opposition. There are two independent channels, but only one state channel has nationwide coverage. In response to these criticisms, a law on electronic media is being prepared with the aim of turning the state channels into public channels under the supervision of an administrative board composed of independent members, thereby eliminating direct control by the authorities. This law must be adopted as soon as possible.

#### *Freedom of association and assembly*

73. I believe that Georgia guarantees the freedom to set up and join associations, including political parties and trade unions.

74. Freedom of assembly is guaranteed by the constitution. No permission is required for demonstrations. However, some notice must be given and certain conditions must be met (for example, traffic must not be impeded and there must not be any gatherings near public buildings).

75. Two major incidents occurred in 1996 and 1997 when the police dispersed followers of former president Gamsakhurdia ("Zviadists") on the anniversary of independence. The authorities maintain that deliberate attempts were made to provoke clashes with the police, but nevertheless they appear to have taken on board the criticisms made. On 31 March 1998, the "Zviadists" demonstrated in the centre of Tbilisi, but the event passed off peacefully.



*Trade union freedoms*

76. I met three representatives of the association grouping together most trade union branches. According to these representatives, trade unions operate democratically, without restrictions or pressures from the authorities or political parties. Laws on trade unions and collective bargaining have been passed.

77. As regards equality between men and women, it was stressed that there was no discrimination in the workplace or with regard to conditions of employment.

*Freedom of religion*

78. During meetings with the Orthodox Patriarch, the Chief Rabbi and the Head of the Armenian Church, it was confirmed that there is freedom of religion in Georgia. The various religious communities carry out their activities freely and in a spirit of mutual tolerance.

*Minority rights*

79. According to the 1989 census, the ethnic composition of Georgia is as follows: 70.1% Georgians, 8.1% Armenians, 6.3% Russians, 5.7% Azeris, 3% Ossetians, 1.9% Greeks, 1.8% Abkhaz and 1% Ukrainians.

80. I met representatives of the Azeri, Armenian and Yazid minorities. The Greek and Russian ambassadors also informed me about the situation regarding the Greek and Russian minorities. Overall, in its provisions proclaiming equal rights for all citizens of Georgia, the constitution seems to provide sufficient protection of the rights of people belonging to the minorities. Minority culture and languages are being developed, often with the support of state funds.

81. The representatives of the Azeri, Armenian and Yazid minorities did not see any need for a special law on minorities. They wished to see greater support for teaching the Georgian language to minorities to enable them to integrate fully into society, but they recognised the constraint of scarce resources.

82. I consider it essential that Georgia should sign and ratify the European Framework Convention for the Protection of National Minorities and the Charter for Regional or Minority Languages as quickly as possible. It must base its policy concerning minorities on the principles laid down in Assembly Recommendation 1201 (1993) and incorporate these principles into the country's legal and administrative systems and practices.

*Refugees and displaced persons*

83. The situation regarding the majority of refugees and displaced persons has been described in the sections on Abkhazia and South Ossetia. However, the problem of the Meskhetian "Turks", deported from Georgia to Siberia and Central Asia in 1944 by Stalin, is a thorny one. These people now number between 200 000 and 300 000 and claim the right to return to their original homes. This right has been officially recognised by President Shevardnadze in a decree, but return has been impeded by bureaucracy and resistance from certain municipalities.

84. Georgia must therefore, without delay, adopt legislation to facilitate the repatriation and integration of the Meskhetian population deported by Stalin, including provisions giving them the right to Georgian citizenship. In this regard, I welcome the fact that the Council of Europe and the OSCE are already addressing this question with a view to helping Georgia find a solution.

85. I also suggest that Georgia should accede to the Geneva Convention on the Status of Refugees and the 1967 Protocol, especially since it is the only one of three Caucasian countries not to have done so.

## 8. Conclusion

86. Georgia has made significant progress in creating a society based on pluralist democracy and respect for human rights and the rule of law. The political system upholds the principle of the separation of powers. Parliament has a major role and counterbalances the powers of the president. It is a multiparty system in which the opposition is free to express its views and criticisms.

87. The legislative framework has been largely put in place, thanks to intensive efforts by Parliament. The authorities have shown that they are committed to fully upholding the human rights of all citizens, whatever their ethnic origins or religion.

88. While it is important to stress these important results, it should also be borne in mind that, as regards the application of policies and legislation, there are still significant gaps in several fields. The deep-rooted origins of these problems are to be found in the country's totalitarian past and the difficult economic situation. There is no immediate solution to these underlying problems and, accordingly, as in many other countries which have recently become democracies, the functioning of the state apparatus can improve only gradually. It is encouraging to see that the authorities are fully aware of these problems and are taking steps to overcome them.

89. With regard to the autonomous territories, I repeat my conclusion that Georgia is a state committed to resolving its conflicts by peaceful means and ensuring the greatest possible degree of autonomy to its self-governing subjects. Nonetheless, the precise extent of that autonomy must be constitutionally anchored. I can only regret the intransigence of the Abkhaz leaders, who refuse to negotiate on this question.

90. I am convinced that Georgia is willing and able to assume all the responsibilities entailed by membership of the Council of Europe. I therefore propose that the Assembly recommend that the Committee of Ministers invite Georgia to become a member of the Organisation. However, I expect Georgia to fulfil the commitments listed in the draft opinion, within the stipulated time-scale. I have been assured by the President of the Georgian Parliament that his country is ready to fulfil these commitments.

91. The Council of Europe has a major role to play in building a stable and democratic society in Georgia, which resolutely asserts that it is part of Europe. There is no doubt that membership of the Council of Europe, which is supported by all political parties in the Georgian parliament, will be helpful in achieving this aim.



Annex I

Resolution (96) 33 on Georgia

*(Adopted by the Committee of Ministers on 11 September 1996 at the 573rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

Mindful of its decision, expressed at its 8th Session in May 1951, to consult the Parliamentary Assembly before inviting a state to become a member or associate member of the Council of Europe in conformity with the provisions of the Statute;

Considering that the Government of the Republic of Georgia, in its letter of 14 July 1996 addressed to the Secretary General of the Council of Europe, expressed the wish to be invited to become a member of the Council of Europe and declared its readiness to adhere to the principles stated in Article 3 of the Statute;

Having noted with satisfaction the interest shown by the Republic of Georgia in acceding to the Organisation,

Invites the Parliamentary Assembly to express its opinion on the matter and brings the following considerations to the attention of the Assembly at this stage:

Firstly, the Committee of Ministers wishes to inform the Assembly that a consensus exists among its members in favour of Georgia's accession to the Organisation as soon as the requirements of the Statute have been met, namely the implementation of the principles of pluralist parliamentary democracy, respect for human rights and the rule of law. This implies that the legislative and judicial system of the country should be brought into line with the principles of the rule of law.

The Committee of Ministers wishes also to recall its reply to Parliamentary Assembly Recommendation 1247 (1994) on the enlargement of the Council of Europe, in which it stated, *inter alia*:

"Future candidatures will be examined on their own merits and on the same basis as the states in the preceding paragraph. In particular, the three transcaucasian countries of Armenia, Azerbaijan and Georgia are known to want closer links with the Council of Europe. The Committee of Ministers recalls the Conclusions of the Chair of the special meeting held in Istanbul in September 1992 which concluded that a closer relationship 'would demand not only the implementation of substantial democratic reforms, but also their commitment to resolve conflicts by peaceful means'."

In his letter of 14 July 1996, the Minister for Foreign Affairs of Georgia indicated that his country would be prepared, like any other member state, to become party to the European Convention on Human Rights. The Committee of Ministers has welcomed this statement of intention, and expects the Government of Georgia to express its readiness to recognise the right of individual petition and the compulsory jurisdiction of the European Court of Human Rights.

- ' The Republic of Georgia would thus have to give practical effect to the obligations under the
- ' Convention throughout the whole of its territory at the various levels of the administration.

The Committee of Ministers also declares its readiness to intensify its talks with the Georgian authorities and step up its support in the form of co-operation and assistance programmes in order to facilitate and expedite as far as possible Georgia's transition to democracy with a view to its rapid accession to the Council of Europe.



## Annex II

### Findings of the Report of the Distinguished Lawyers on the conformity of the legal order of Georgia with Council of Europe standards

#### *(Recapitulation and conclusions)*

As we stated in our introduction, our task consisted of forming an opinion on the conformity of the legal order of Georgia with Council of Europe principles with regard to *democracy, the rule of law and respect for human rights*.

We have explained that our report is limited to the study of the situation in the areas which are currently under Georgian jurisdiction, excluding thus Abkhazia and South Ossetia.

We have drafted concluding observations at the end of each and every section and at the end of each and every chapter. We refer to these observations and reiterate here our main conclusions as to the triple question put to us:

*Firstly*, as regards *democracy*, it can be said that Georgia has successfully gone far towards becoming a democratic state. In particular, there seems to exist effective separation of powers and a democratically elected and functioning legislature. By large, it can be said that the goal has been achieved on the national level with the exception, of course, of the areas outside the control of the government, Abkhazia and South Ossetia. On the local level, there still exists an important deficit, but a solution of the problem is on its way and prior experience justifies the hope that it will be successfully achieved.

*Secondly*, as regards respect for the *rule of law*, it can be said that impressive efforts have been and continue to be made to turn Georgia into a state based on the rule of law (*Rechtsstaat*). There is no reason to doubt that the legislative process is put to use for the purpose of providing the state with what might be called a solid normative infrastructure; nor is there reason to doubt that these efforts are successful. What impressed us particularly was the strong determination, paired with a preparedness to a certain humility, in the sense that at present Georgia does not seem to desperately seek very exceptional, original, "national" solutions, but that, at all levels we have contacted, there is interest in acceptance of assistance from experts more familiar with the rule of law.

Yet, it would not be realistic to look only at the existing normative apparatus for an evaluation of the extent to which the rule of law has been integrated in the state. It is more important to look at the attitude of the state authorities at all levels towards these norms. Are they considered, as a matter of course, as strongly binding imperatives or rather as simple guidelines from which it is admissible to depart in pursuance of a legitimate aim? We have heard now and then that the latter attitude was not altogether eradicated. We also recall the disastrous state of corruption still prevailing not only with the famished police but also with the equally impoverished judiciary.

All in all, Georgia is certainly on the way to becoming a state based on the rule of law, but at present this goal is not yet attained - in our view, it would not have been realistic to expect a better result so soon after the end of the totalitarian Soviet regime.

Thirdly, as regards respect for *human rights*, the first observation must be that there has certainly been a very dramatic improvement over the last years. Today the country has a Constitution which can be compared with those of traditional democracies. To a large extent, the fundamental rights are also respected in practice, with certain exceptions here and there (particularly as far as corruptibility of the police and first instance judges is concerned, cf. above Chapter III, B, 1 and 4.) and, sometimes, a residue of apprehension and insecurity, e.g. with regard to freedom of assembly. It would probably be exaggerated to say that the standard referred to in Article 3 of the Statute of the Council of Europe has already been fully attained, but we had the impression that there is a determined movement in the right direction which justifies the hope that a fully compatible standard will soon be achieved. Nevertheless, it must be recalled that the situation in Abkhazia and in South Ossetia is quite dramatic and the solution, by way of negotiations, is not to be expected in the nearest future. Unfortunately, it would be unrealistic not to acknowledge that these centres of conflict constitute a permanent threat of renewed violence. Another problem-area resides in the fact that a number of persons nostalgically adhering to former President Zviad Gamsakhurdia - the "Zviadists" - still exist. It must be hoped that this conflict can be solved in a peaceful way, but, at present, a certain source of conflict remains to the extent that some of the "Zviadists" seem to be rather fanaticised - a phenomenon witnessed by the Delegation.



**Annex III****Visit to Georgia (13 – 16 April 1998)  
Programme****Monday 13 April 1998**

Arrival

**Tuesday 14 April 1998**

|          |                                                                                                                                                            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.00 am | Meeting with Mr Mindia Ugrekhelidze, Chairman of the Supreme Court                                                                                         |
| 11.00 am | Meeting with Mr Avtandil Demetrashvili, Chairman of the Constitutional Court                                                                               |
| noon     | Meeting with Mr Tedo Ninidze, Minister of Justice                                                                                                          |
| 1.00 pm  | Meeting with Mr Malkhaz Kakabadze, Deputy Minister of Foreign Affairs                                                                                      |
| 1.45 pm  | Meeting with Mr Jemal Gakhokidze, Minister of State Security                                                                                               |
| 4.00 pm  | Meeting with parliamentary majority factions (Citizens' Union faction, faction "IMEDI", faction of the muslim minority)                                    |
| 5.00 pm  | Meeting with parliamentary opposition factions (People's Party faction, Socialist faction)                                                                 |
| 6.00 pm  | Meeting with Ambassadors of the member-countries of the Council of Europe accredited in Georgia (Germany, Greece, Romania, Russia, Turkey, United Kingdom) |
| 7.30 pm  | Meeting with Mr Zurab Zhvania, Chairman of the Parliament                                                                                                  |

**Wednesday 15 April 1998**

|          |                                                                                    |
|----------|------------------------------------------------------------------------------------|
| 9.00 am  | Breakfast with Ambassador Michael Lebal, Chief of the OSCE Mission in Georgia      |
| 10.00 am | Meeting with Trade Union representatives                                           |
| 10.30 am | Meeting with United Nations High Commissioner for Refugees (UNHCR) representatives |
| 11.00 am | Meeting with representatives of the Bar Council                                    |

- 11.30 am Meeting with representatives of mass-media
- 12.00 am Meeting with Human Rights Defence NGOs
- 12.45 pm Meeting with the Patriarch of all Georgia, His Holiness Ilia II
- 1.25 pm Meeting with the Rabbi of the Synagogue
- 2.00 pm Working lunch with Mr Kakha Chitaia, Chairman of the Foreign Relations Committee and Mr Kote Kokoev, Chairman of the Committee on Human Rights and Ethnic Minority Affairs
- 3.00 pm Meeting with representatives of ethnic minorities (Armenians, Azeries, Yazids)
- 3.40 pm Meeting with representatives of the parliamentary faction of the Union for Revival
- 4.15 pm Meeting with Mr Kakha Targamadze, Minister of Interior
- 5.15 pm Meeting with Mr Jamlet Babilashvili, Prosecutor General of Georgia (Mr Németh)
- 5.45 pm Meeting at the Armenian Church (Mr Davis)
- 6.15 pm Meeting with H.E. Eduard Shevardnadze, President of Georgia
- 7.30 pm Concert at the Youth Palace

Thursday 16 April 1998

Departure



**Annex IV****Visit to Georgia (28 July-4 August 1998)  
Programme****Tuesday 28 July 1998**

- |       |                                                                                                                     |
|-------|---------------------------------------------------------------------------------------------------------------------|
| 13.00 | Meeting with the Head of the Caucasian Research Center on Human Rights and Conflict Studies, Mr Ramaz Rekhviashvili |
| 16.00 | Meeting with the Head of the International Committee of the Red Cross (ICRC) Mission in Georgia, Mr Guy Mellet      |
| 17.15 | Meeting with the Minister of Interior Mr Kakha Targamadadze                                                         |
| 18.15 | Meeting with Mr Revaz Kipiani, 1 <sup>st</sup> Deputy Prosecutor General of Georgia                                 |

**Wednesday 29 July 1998**

- |       |                                                                     |
|-------|---------------------------------------------------------------------|
| 10.15 | Meeting with Parliamentary majority                                 |
| 11.30 | Meeting with Parliamentary opposition                               |
| 12.30 | Meeting with Mr Zurab Zhvania, Chairman of the Parliament           |
| 15.15 | Meeting at the Council of Justice                                   |
| 16.30 | Meeting with Mr Tedo Ninidze, Minister of Justice                   |
| 17.45 | Meeting with the Ombudsman, Mr David Salaridze                      |
| 19.00 | Meeting with the Ambassadors of the Council of Europe member states |

**Thursday 30 July 1998**

- |       |                                  |
|-------|----------------------------------|
| 07.15 | Departure for Adler (Russia)     |
| 08.30 | Arrival in Adler                 |
| 09.00 | Departure for Sukhumi (Abkhazia) |
| 12.30 | Arrival in Sukhumi               |



- 14.00 Meeting with Mr Sergei Shamba, "Foreign Minister" of Abkhazia
- 15.00 Meeting with Mr Vladislav Arzinba, "President" of Abkhazia
- 16.00 Meeting with Mr Sokrat Jinjolia, "Speaker of the Parliament" of Abkhazia and members of "Parliament"
- 17.00 Meeting with Press representatives
- 18.00 Meeting with Representatives of local NGO's

**Friday 31 July 1998**

- 9.00 Meeting with ICRC's Acting Head of Mission
- 10.15 Meeting with UNOMIG (Senior Political Adviser, Deputy Head of Mission, Chief Military Observer)
- 15.00 Arrival in Adler
- 16.45 Departure for Senaki (by plane)
- 17.30 Arrival in Senaki
- 18.30 Departure for Batumi
- 20.30 Arrival in Batumi

**Saturday 1 August 1998**

- 11.00 Meeting with Mr Aslan Abashidze, President of the Autonomous Republic of Adjara
- 18.00 Meeting with members of Parliament of Adjara

**Sunday 2 August 1998**

- 07.00 Departure for Tbilisi
- 12.00 Arrival in Tbilisi
- 15.00 Meeting with Mrs Maria-Emilia Arioli, member of the OSCE mission to Georgia
- 16.00 Meeting with the Chairperson of the Parliamentary Sub-Committee on reforms of penitentiary system and issues of sentenced people



- 17.00 Meeting with the Head of the Georgian Committee against Human Torture, Mr Kakha Gogashvili
- 18.00 Meeting with Mrs Manana Archvadze-Gamsakhurdia, Chair of Georgian Helsinki Union (Round Table)
- 19.00 Meeting with Mr Mamulia, Head of the Rapatriation Service, Ministry of Refugees
- 20.30 Dinner hosted by Mrs Lana Gogoberidze

**Monday 3 August 1998**

- 08.00 Departure for Tskhinvali
- 09.30 Meeting with members of the OSCE mission to Georgia
- 10.00 Meeting with Mr Ludvig A. Chibirov, President of South Ossetia and Mr Dzugaev, Speaker of the Parliament
- 11.30 Meeting with General Makushkin, Commander of the Joint Peace-Keeping Force
- 12.30 Meeting with representatives of international organisations present in South Ossetia
- 15.00 Departure for Tbilisi
- 16.30 Arrival in Tbilisi
- 18.00 Meeting with Mr Liviu Bota, Ambassador, Special Representative of the U.N. Secretary General to Georgia
- 20.00 Meeting with Mr Zurab Zvania, Chairman of the Parliament of Georgia
- 21.30 Meeting with members of the Parliamentary delegation of Georgia to the Council of Europe

*Reporting committee* : Political Affairs Committee

*Reference to committee* : Doc. 7646 and Reference No. 2107 of 27 September 96

*Budgetary implications for the Assembly* : none

*Draft opinion* adopted by the committee on 27 November 1998 with two abstentions.

*Members of the committee* : Mr Bársony (Chairperson), Ms Ojuland (Vice-Chairperson), MM Antretter, Arzilli, Atkinson (*alternate*: Taylor), Ms Belohorská, MM Bergqvist, Björck (*alternate*: Hagård), Blaauw (*alternate*: Ms Gelderblom-Lankhout), Bloetzer, Chircop, Chornovil (*alternate*: Manchulenko), Daly, Davis, Dokle, Domljan, Gjellerod, Glotov, Gül, Hadjidemetriou, Hornhues, Ms Iotti, MM Irmer, Iwinski, Ms Kautto, MM Kirilov, Krzaklewski, Kuzmickas, Ms Lentz-Cornette, MM Lopez Henares (*alternate*: Puche), Lupu (*alternate*: Kelemen), van der Maelen, Maginas, Martinez, Medeiros Ferreira, Meier, Mota Amaral, Mühlemann (*alternate*: Gross), Mutman, Nallet (*alternate*: Baumel, Vice-Chairman), Nedelciuc, Ms Nemkova, MM. Oliynyk, Pahor, Palmitjavilo Ribo, Popovski, Prusak, Ms Ragnarsdottir, Ms Roudy, MM. Schieder, *Schwimmer*, Seguin, Selva, Sinka, Mme Smith (*alternate*: Lord Judd), Ms Stanoiu, Ms Stepová, MM Surjan, Thoresen, Timmermans, Toshev, Urbain, Volcic, Ziuganov.

*N.B. The names of the members who took part in the vote are printed in italics*

*Secretaries of the committee*: Mr Kleijssen, Mr Sich, Mr Gruden.