

Lustration in Georgia

Giorgi Gotsiridze

Lawyer at Georgian Young

Lawyer Association



The tasks and goals of Lustration

- The lustration of employees of the former soviet special agencies and former senior soviet officials is enshrined in the statute called “liberty charter”
- The liberty Charter was adopted in 2011
- Aims of the charter are
 - To deal with soviet past of Georgia
 - To minimize the threat comes from Russia

Criterion of lustration

- Lustration applies to:
 - Employees of the former Soviet special agencies
 - the senior communist party officials at all level
 - Central committee members of the Soviet communist party
 - Central committee members of Soviet Republic of Georgia's communist party
 - Central committee members of the district and city branch of Georgian communist party.

Criterion of lustration

- Senior officials of all-Union Leninist Young Communist League (So called Komsomol organization)
 - Central committee members of the Soviet Union Komsomol organization
 - Central committee members of the Soviet republic of Georgia's Komsomol organization
- Chairperson of the state broadcasting committee in Soviet Georgia

Who are employees of Soviet special agencies

- Employees of ministry internal affairs and that of state security committee at
 - Soviet Union
 - Soviet republic of Georgia's
 - Soviet Georgia's Autonomous republic
- Employees of intelligence subdivision of the boarder troop
- Employees of special division of Soviet defense ministry

Lustration does not apply to the employees of soviet special agencies if

- They had not denounced their loyalty with the Georgian special agencies after Georgia declared its independence in 9th April 1990
- The Newly emerged Georgian special forces did not suspend the former soviet employees because of their interminable link with the Russian special forces

Objects of lustration

- The above mentioned people are proscribed from holding the office of:
 - The Prime-minister or Minister
 - the deputy Minister
 - The Head of the ministry department;
 - The member of the security council,
 - The member of the central election commission;
 - The Autonomous republic government member;

Objects of lustration

- The General Auditor and his/her deputies;
- The General director of national archive or his/her deputy
- The head of President's administration and his/her deputy
- The head of government's administration and his/her deputy
- The head of state safeguard forces and his/her deputy

Objects of lustration

- The Ambassador, consul and envoy
- The President of the central bank or his/her deputy
- The Governor;
- The Member of the national communication commission and that of national energy and water supply commission
- Head of national statistic agency and his/her deputy

Objects of lustration

- The employees Operative-investigative divisions of Ministry of internal affairs and these of ministry of defense
- Judges of the common and these of the constitutional court;
- The President of the state university, his or her deputy, dean of the university department;
- The Director of Georgian Public broadcasting and board member of it

Scope of lustration

- The other low-level governmental offices are affordable for former senior communist officials and employees of special agencies
- The former high communist leaders and employees of special agencies are able to be elected as the president, Member of Georgian parliament and that of Autonomous republic parliament, member of the city or municipal council, mayor, if the soviet past of the candidate is made available for public.

Procedure of lustration

- The liberty charter sets up the commission under the umbrella the ministry of internal affairs
- The members of the commission is nominated by the parliamentary caucuses
- The commission members have access with the soviet archives and classified information

Procedure of lustration

- The commission creates data base of the people subjected to lustration;
- The data base is not available to the general public;
- The superior official who is in charge of appointing a person to the office, is required to apply to the commission for vetting the candidate.
- The superior official should refrain from appointing the nominee if the commission

Procedure of lustration

- The election administration should get information whether or not the registered candidate served for soviet special forces.
- If the candidate is the person subjected to liberty charter restrictions, the election administration offers the person to withdraw his/her candidacy from election.
- If the candidate rejects to do so, the election administration makes the information about him/her public.

Procedure of lustration

- The commission discloses the information on official who holds the restricted to him/her office and rejects the request to quit
- The decision to disclose the information is made in the closed-door meeting
- The person affected by the decision is invited to the meeting.
- The decision on disclosure is taken in effect in a month

mistakes made and lessons learned

- Neither the liberty charter commission or the election administration has disclosed any information on the former high communist officials or employees of special agencies
- Former candidate for the mayor of a municipality who used to be the member of Komsomol central committee forced to withdraw his candidacy. He challenged the constitutionality of the liberty charter. The case is pending.

Thank you for your attention