



INTERVIEW WITH THE PROSECUTOR GENERAL OF GEORGIA MR. IRAKLI SHOTADZE

Tell us about the institutional reform of the Prosecutor’s Office of Georgia in 2013-2020

Many important reforms were implemented in 2013-2020 for the purpose of institutional development and to increase the independence, transparency and effectiveness of the Prosecutor’s Office of Georgia. The reforms were based on recommendations from the Venice Commission, the Council of Europe’s Group of States against Corruption (GRECO), and the Anti-Corruption Network of the Organisation for Economic Co-operation and Development (OECD ACN).

The institutional reform of the Prosecutor’s Office of Georgia was implemented in three main stages in 2013, 2015 and 2018.

Before 2013, the Prosecutor’s Office of Georgia was a state subordinate agency operating within the system of the Ministry of Justice of Georgia, which was headed by the Minister of Justice of Georgia, who could exercise prosecutorial powers. The Chief Prosecutor was appointed, and could be dismissed, by the President of Georgia; and then by the Prime Minister of Georgia, upon the recommendation of the Minister of Justice of Georgia. In 2013, the first and very important stage of the reform of the Prosecutor’s Office was implemented, as a result of which the Minister of Justice, as a political official, was completely deprived of prosecutorial powers.

Within the framework of the second stage of the reform of the Prosecutor’s Office implemented in 2015, an independent collegiate body, the Prosecutorial Council, was established in order to ensure the independence and transparency of the Prosecutor’s Office and the efficient performance of its functions. The main function of the Prosecutorial Council was to select candidates for the Chief Prosecutor. The Conference of Prosecutors of Georgia was also established, which is a meeting of prosecutors and the investigators of the Prosecutor’s Office, and which has the authority to elect member prosecutors of the Prosecutorial Council.

At the second stage of the reform of the Prosecutor’s Office, the establishment of a new procedure for the appointment and dismissal of the Chief Prosecutor of Georgia was especially noteworthy. Under the legislation it was established that not later than 6 months before the expiration of the term of office of the Chief Prosecutor, the Minister of Justice would start one-month consultations with the academic community, members of civil society, and specialists in the field of law, for the selection of candidates for the Chief Prosecutor. As a result of such consultations, the Minister of Justice would select and submit to the Prosecutorial Council for approval not fewer than three candidates for the position of the

Chief Prosecutor, at least one third of whom would be a representative(s) of a different gender. Candidates would be put to a vote at the meeting of the Prosecutorial Council separately, by secret ballot. The candidate who received more votes, but not less than two-thirds of the total number of the members of the Prosecutorial Council, would be deemed elected. The candidate for the Chief Prosecutor, elected by the Prosecutorial Council, would be immediately nominated by the Minister of Justice to the Government of Georgia. The Government of Georgia would approve and/or reject the candidate for the Chief Prosecutor within two weeks. If the Government of Georgia approved the candidate nominated by the Minister of Justice, the candidate would be immediately nominated to the Parliament of Georgia, which would elect the Chief Prosecutor for a term of 6 years, by secret ballot, and by a majority of the total number of its members, as provided for by the Rules of Procedure of the Parliament.

- ✓ The last stage of the institutional independence and reform of the Prosecutor's Office was in 2018, when the institutional independence of the Prosecutor's Office was determined by the Constitution of Georgia, as it was separated from the Ministry of Justice and formed into an independent state institution. The right of the Minister of Justice to be the chairperson and a member of the Prosecutorial Council was annulled, and executive authority was removed from the process of the selection of the Prosecutor General, who was a former Chief Prosecutor. The stability of the position of the Prosecutor General was strengthened, as his/her early dismissal became possible only through impeachment by the Parliament. In addition, the procedures related to the appointment and promotion of the employees of the Prosecutor's Office and disciplinary proceedings were improved. In order to support the activities of the Prosecutor's Office, the following standing advisory bodies of the Prosecutor General were established: the Career Management, Ethics and Incentives Council;
- ✓ the Strategic Development and Criminal Policy Council;
- ✓ the Ranking Council.

It is notable that, according to the procedure established by law, eight members of the Prosecutorial Council, elected by the Conference of Prosecutors of Georgia, are in the composition of all three advisory bodies and, moreover, they represent the majority of persons authorised to adopt decisions. The above regulation increased the role of persons elected by the Conference of Prosecutors of Georgia in the process of adopting decisions on matters related to the operation of the Prosecutor's Office. It should be noted that, during the entire period of the existence of the said advisory bodies, all their recommendations have been taken into consideration by the Prosecutor General.

An important fact in the process of the said reform is that the Prosecutorial Council has been formed into a constitutional body. The Prosecutorial Council consists of fifteen members, eight of whom are elected by the Conference of Prosecutors of Georgia, two of whom are elected by the High Council of Justice of Georgia from among the judges of the common courts of Georgia, two of whom are elected by the Parliament of Georgia from among the members of the parliamentary majority and the parliamentary minority, two of whom are elected by the Parliament of Georgia from among representatives from the legal community



and academia, and one of whom is elected by the Parliament of Georgia from among the candidates nominated by the Minister of Justice of Georgia.

It is particularly noteworthy that the chairperson of the Prosecutorial Council is elected by the Prosecutorial Council from among its members for a term of two years. The Prosecutorial Council is authorised as follows: to select and approve a candidate for the Prosecutor General; to carry out disciplinary proceedings against the first deputy and deputies to the Prosecutor General; to decide on issues of the imposition on and/or early removal of disciplinary sanctions from member prosecutors of the Prosecutorial Council once every 6 months, or immediately, by a decision of a majority of members of the Prosecutorial Council; to hear a report of the Prosecutor General on the activities of the Prosecutor's Office, and to prepare recommendations on the issues covered by the report and to submit them to the Prosecutor General; to submit to the Prosecutor General recommendations concerning the establishment of criminal policy guidelines, depending on the criminal policy. These powers facilitate the formation and development of uniform practice in the activities of the Prosecutor's Office.

What specific challenges were presented by the Novel Coronavirus (COVID-19) to the Prosecutor's Office and how did the system deal with those challenges?

In 2020, due to the COVID-19 pandemic, the Prosecutor's Office of Georgia, like the entire justice system, faced completely new and unknown challenges, in particular, on the one hand, we had to prevent the spread of the virus among employees in the system, and on the other hand, to continue effective prosecutorial activities and the fight against crime.

In order to prevent the risks of the spread of COVID-19, and to ensure the smooth administration of justice, as well as the protection of the health of the parties involved in that process, the preparatory works necessary for remote legal proceedings were promptly carried out at the Prosecutor's Office of Georgia. In particular, all prosecutor's offices were equipped with appropriate hardware and software, which enabled prosecutors to support public prosecution from prosecutors' offices. Since March 2020, prosecutors have participated in thousands of remote court proceedings. We have also implemented a mechanism for monitoring remote court hearings, and we can assure the public that the processes were carried out efficiently, within the time limits determined by law, and strictly protecting parties' rights.

In order to prevent the spread of COVID-19 in the country, the Prosecutor's Office of Georgia allowed phone calls for accused persons being held at penitentiary institutions, whose right to telephone communication had been restricted by virtue of their prosecution. This was necessary because of the increased concern of accused persons' families about their health status.

In order to prevent the spread of COVID-19, in March of 2020, the Prosecutor's Office of Georgia started receiving applications/claims via e-mail. The e-mail address was made public on the official website of the Prosecutor's Office, and citizens of Georgia were able

to send their applications/claims via e-mail, which significantly reduced the mobility of citizens in prosecutors' offices. Boxes for receiving applications/claims were placed in the reception area of the Prosecutor's Office of Georgia, and in the entrances of all regional prosecutors' offices. Thousands of applications/claims were submitted to the Prosecutor's Office of Georgia in that way, which were distributed to the addressees smoothly and were responded to within the time limits established by law.

It should be noted that during this period the process of raising the qualifications of the employees of the Prosecutor's Office was not hindered either, and tens of training activities were carried out remotely.

In the conditions of the COVID-19 pandemic, the activities envisaged by the strategy and action plan of the Prosecutor's Office were mostly carried out remotely.

Despite the global challenges associated with the COVID-19 pandemic, 2020-2021 were years of significant success for the Prosecutor's Office of Georgia, and it can be said that we are gradually approaching the goals set in the strategy and action plan.

In which priority directions does the Prosecutor's Office of Georgia currently carry out its activities?

The Prosecutor's Office should be developing continuously and systematically in order to respond to challenges that arise over time. The Prosecutor's Office must always be ready to strengthen the rule of law and ensure the establishment of the principles of a legal state through the objective and impartial performance of the functions assigned to its highly qualified and motivated employees under law, and through their work based on professionalism. About four hundred prosecutors carry out prosecutorial activities, supervise investigations, and support public prosecutions in court on a daily basis. Therefore, the first priority for us is to raise the quality of prosecutorial activities.

Our main priority is to fight against such crimes as money laundering, corruption, cybercrime, crimes against human life and health, violence against women and domestic violence, sex crimes, crimes motivated by intolerance, etc. Strengthening international cooperation is also a priority.

In addition, the institutional and organisational enhancement of the Prosecutor's Office, as an institution, is important to us. For that purpose, we are improving procedures for the hiring and rotation of employees, and striving for their professional development, the enhancement of gender mainstreaming, and the introduction of a 'green office' concept.

And lastly, accurate and effective communication with the public, ensuring transparency and accountability in the Prosecutor's Office, so that the public is provided with timely and comprehensive information about both innovative developments and specific criminal cases at the Prosecutor's Office, are of utmost importance, which ultimately lead to raising public confidence in the Prosecutor's Office.



Would you share with our readers what you consider to be the priorities for the Prosecutor's Office in terms of international cooperation?

For us, the priorities in terms of international cooperation in the area of criminal law are as follows: the expansion of the international contractual framework in the area of extradition and legal assistance; more cooperation with international online service providers; and the enhanced efficiency of the process of international cooperation regarding issues of legal assistance, extradition, and search and return in respect of criminally obtained property.

As of today, Georgia has signed international agreements in the area of extradition and legal assistance mainly with European countries. Another priority for the Prosecutor's Office of Georgia is to expand beyond the continent of Europe the list of countries with which Georgia would sign respective international agreements. For that purpose, negotiations are already in progress with a number of countries in North America, South America, and Asia.

It should be noted that since 2016, the Prosecutor's Office of Georgia has been receiving electronic data directly from online service providers within the framework of criminal proceedings. The first overseas company that started cooperation with the Prosecutor's Office of Georgia was Facebook, which was followed by WhatsApp, Instagram, Apple, Western Union and MoneyGram. Since 2021, five more companies have started cooperation with the Prosecutor's Office of Georgia, namely: Paypal, Viber, ByteDance (TikTok), Binance and CEX.IO. It should also be noted that, in 2020, the index of meeting requirements by the Prosecutor's Office of Georgia was up to 90%, while the average global index for the same period was 72%.

We are actively working to expand the list of online service providers that fully cooperate with the law enforcement bodies of Georgia.

Another important priority for the Prosecutor's Office of Georgia is to increase the efficiency of traditional forms of cooperation (extradition, legal assistance, and international cooperation on issues of search and return in respect of criminally obtained property) by means of the introduction of electronic exchange of documents at the international level, enhancing the standardisation, optimisation, automation, and monitoring of processes, and the training of employees. Important progress has been achieved in the efficiency of extradition proceedings in courts, which has been steadily increasing in recent years: for example in 2021, a total of eighty-two extraditions were declared admissible, which was a 32.2 % increase in efficiency compared to 2020 (62 cases), and a 30.2 % increase compared to 2019 (63 cases).

It should be noted that, within the scope of our authority, we are actively cooperating with international organisations. In this regard, our relations with the European Union, the Council of Europe (GRECO, MONEYVAL, CEPEJ, CCPE, PC-OC, CDPC, etc.), the Anti-Corruption Network of the Organisation for Economic Co-operation and Development (OECD ACN), and the United Nations, are particularly noteworthy.

Cooperation concerns important matters such as, inter alia: the fight against corruption, money laundering and terrorist financing, the institutional strengthening of the Prosecutor's Office, and an increase in the efficiency of its activities.

Since 2015, the Prosecutor's Office of Georgia has been actively cooperating with the International Association of Prosecutors (IAP), and this close cooperation has made it possible to hold the IAP conference in Georgia for the first time.

On 26-28 June 2017, the Prosecutor's Office of Georgia hosted the 8th IAP Eastern European and Central Asian Regional Conference on the topic 'Asset Recovery and Cybercrime'. The IAP directorate, representatives from the IAP, and the heads of the prosecution authorities of 25 countries from Eastern Europe and Central Asia participated in the conference. Experts from Europe and from the Department of Justice of the United States of America made presentations at the conference on the topics of asset recovery and cybercrime.

Since 2018, the Prosecutor's Office of Georgia has had its representative on the IAP Executive Committee, which is proof of the close cooperation of the Prosecutor's Office of Georgia with the IAP, and our readiness to actively introduce international experience into our system.

It is also important that in 2018, notwithstanding stiff competition from other countries, the Prosecutor's Office of Georgia was awarded the right, on behalf of Georgia, and the IAP Executive Committee gave its consent, to hold the 26th Annual Conference and General Meeting of the IAP in Georgia in September 2021. However, due to the COVID-19 pandemic, the conference was postponed to September 2022.

This will be a global conference of the IAP, where issues in the following four main areas will be discussed: challenges in justice created by the COVID-19 pandemic and the technological innovations designed to deal with those challenges; the evolution of the typologies of cybercrime; cross-border access to electronic evidence; and money laundering through virtual assets.

Representatives from the prosecution authorities of about 180 countries and territories of the world will participate in the Conference. The Prosecutors General and other high-ranking officials in the prosecution authorities of many countries will also attend the event.

In terms of international relations, the cooperation with EUROJUST is particularly noteworthy for the Prosecutor's Office of Georgia. On 29 March 2019, a Cooperation Agreement between Georgia and EUROJUST was signed in The Hague, according to which the Prosecutor's Office of Georgia was assigned a liaison prosecutor representing Georgia in EUROJUST.

The decision to sign the Agreement was preceded by intensive negotiations with EUROJUST and EU authorities, which began in 2016. In 2017, EUROJUST studied in depth the conformity of personal data protection in Georgia in the areas of law enforcement and justice with EU



regulations. After reaching a positive conclusion, it was decided that the Agreement would be signed with Georgia. One of the main bodies participating in the evaluation process was the Prosecutor's Office of Georgia.

Georgia is the first country in the region with which EUROJUST has signed a cooperation agreement. The agreement with EUROJUST enables Georgia and EU Member States to cooperate more promptly and efficiently in the process of investigating and prosecuting international organised crimes.

Under the Agreement, by the order of the Prosecutor General of Georgia, a liaison prosecutor of the Prosecutor's Office of Georgia was appointed to EUROJUST for a term of three years. Throughout this time, the liaison prosecutor has made great efforts in terms of efficient international cooperation in relation to certain criminal cases. As a result, with the involvement of the liaison prosecutor, necessary evidence has been obtained quickly and efficiently from the competent authorities of foreign countries in relation to a number of important criminal cases that were pending in the offices of the investigation authorities of Georgia.

What are the specifications of, and how productive is, the digital system adopted at the Prosecutor's Office? To what extent does it respond to the rapidly increasing requirements of the modern day?

One of the most innovative and interesting challenges for the Prosecutor's Office of Georgia is digital transformation which, at this stage, entails automation in four main areas.

An analytical portal, which is a digital product, is operating at the Prosecutor's Office of Georgia. It can be accessed by the employees of the Prosecutor's Office through the local network, and one of its important functions is the automation of monitoring employees' workloads. The mechanism accurately registers the signing of each legal document by the prosecutors and the investigators of the Prosecutor's Office, after which the programme automatically categorises employees into employees with low, average and high workload. The analytical portal determines the average workload of the prosecutors/investigators of the Prosecutor's Office during a certain reporting period, and models the optimal distribution of the staff among the structural units.

In 2021, with the engagement of an expert hired by a European Union project, the Department of Prosecutorial Activities Supervision and Strategic Development and the Analytical Department of the Prosecutor's Office of Georgia started to prepare the foundation for the implementation of a business intelligence environment on the basis of an electronic system of criminal proceedings, which is a part of the reform related to the development of information technologies and digital transformation in the activities of the institution.

On the basis of the database of the electronic system of criminal proceedings, the business intelligence technologies will enable us to process, analyse, and visualise in a short period of time a large amount of structured and unstructured data.

In 2021, a number of prototypes were developed which enable us to clearly view the data in different directions and to use it in the preparation of criminal justice policy. The prototypes will actively use systems that have artificial intelligence, such as the extrapolation model and the key influencers' features. The developed models will transform real data sets into valuable information for business analysis. In the future, it is planned to integrate the functional capabilities of the business intelligence technologies into the database of the electronic system of criminal proceedings by means of the prototypes.

In 2022, an electronic human resources management programme (HR programme) will be implemented, which will be tailored to the needs and specificities of the Prosecutor's Office. The purpose of developing the electronic HR programme is to automate the management of the human resources of the Prosecutor's Office of Georgia and to transform it into a digital format, in compliance with modern standards.

The implementation of the electronic HR programme tailored to the needs of the Prosecutor's Office will improve the standardisation of personnel related procedures and the management of respective operations, as well as the registration, systematisation, storage, search, sorting and documentation of data and information, as a result of which the means of analysis and reporting will be improved, thereby better focusing the human resources of the Prosecutor's Office of Georgia on strategic initiatives.

It will be possible to create an innovative product on the same portal in the form of a digital portfolio, which will include the results of each employee of the Prosecutor's Office.

In addition, in order to refine and improve the functionality of the new electronic system of criminal proceedings, it is planned to integrate additional external services into the software of the common courts, which will enable prosecutors to send any document to be submitted to a court and to receive court decisions in electronic form.

In order to digitalise the process of criminal proceedings as much as possible, it is also planned to develop a special electronic platform, through which evidence will be exchanged electronically, at the initial stage, with the lawyers of the Legal Aid Service, and then, with all lawyers across the country. As a part of its digital transformation, the Prosecutor's Office of Georgia also plans to develop and implement electronic platforms that will integrate as many subjects participating in criminal proceedings as possible into the digital environment.

We are also working on the development of a mobile application of the Prosecutor's Office that will provide users with online access to the services and information of the Prosecutor's Office through a mobile phone, which will simplify communication with citizens and will be an important step in the process of the digital transformation of the Prosecutor's Office.

And lastly, what do you consider to be the most important challenges in the future and what are the plans of the Prosecutor's Office in that regard?



At the beginning of 2022, the 2022-2027 development strategy and action plan of the Prosecutor's Office of Georgia was adopted. Our goal is that the strategy and action plan, on the one hand, respond to new challenges in the work of the Prosecutor's Office, and on the other hand, comply with modern standards for the preparation of policy documents. The new strategy of the Prosecutor's Office includes the vision, priority areas, goals and objectives of its development. Almost all the structural units of the Prosecutor's Office participated in the preparation of the strategy within the scope of their authority.

The priorities under the new strategy are as follows: to improve the quality of prosecutorial activities; to carry out a victim-oriented criminal policy; to increase the flexibility and efficiency of the institution of a plea bargain; and to enhance international cooperation. Increasing the efficiency of the fight against corruption, cybercrime, money laundering, hate crimes, violence against women and domestic violence, as well as crimes committed by minors and against minors, also remains a priority. The strengthening of a gender policy is also another priority.

Therefore, we are pursuing the goals and objectives set in our strategy.

It is very important for us to increase the efficiency and quality of prosecutorial activities, and for that purpose we plan to prepare guidelines such as:

- Guidelines on the Exercise of Discretionary Authority and the Application of Article 7 of the Criminal Code of Georgia;
- Guidelines on the Conditions Applicable to the Measures of Restraint and Plea Bargain will be updated;
- Guidelines on Providing Procedural Guidance for the Investigation of Crimes Determined by Articles 11¹ and 126¹ of the Criminal Code of Georgia will be updated.

Correct and direct communication with victims is a priority for the Prosecutor's Office, thus we plan to establish an advisory body of the Prosecutor General of Georgia: the Council for Considering the Victims' Complaints.

The Council will be authorised to consider the complaints of the victims of particularly serious crimes of violence. The Council will have a chairperson who will be elected by the Council from among its members. After considering the complaints, the Council will make a decision on a criminal case, which will be recommendatory.

Public confidence can be increased by the maximum degree of openness and accountability of the work of the Prosecutor's Office. Therefore, it is important that direct and efficient communication is being carried out between applicants and prosecutors. For that purpose, in order to ensure face-to-face communication with citizens, an electronic programme of meeting with citizens was implemented at the Prosecutor's Office in 2016. However, to deepen direct communication with the public and to ensure more efficiency, it is advisable to

improve the mechanism of communication with citizens. Therefore, in 2022, it is planned to improve and modify the existing electronic programme and to provide better support for the meetings of prosecutors/managers with citizens.

The motivation of the employees of the Prosecutor's Office of Georgia is one of the most important factors in ensuring the productivity and efficiency of the activities of the institution. Therefore, it is necessary to properly identify employees' needs and requirements, and to provide them with appropriate working conditions. In order to motivate employees, it is important to improve their working environment and to provide them with the material and technical conditions that are necessary for their work. For that purpose, a number of important infrastructural projects were implemented in the Prosecutor's Office of Georgia.

With the support of the U.S. Embassy in Georgia, a material evidence repository of the Prosecutor's Office of Georgia was established in the building of the Prosecutor's Office, which is the first of its kind in Georgia either in terms of technological or functional capacities. The administration buildings of Signaghi, Senaki and Sachkhere regional prosecutor's offices were completely rehabilitated and renovated, and renovated workplaces with modern equipment were arranged for the employees in question. Appropriately equipped questioning rooms suited for minors and an environment adapted for persons with disabilities were also provided at the new offices.

In 2021, several floors of the building of the Prosecutor's Office of Georgia were renovated and reconstructed. Different departments are located on these floors, therefore we provided modern, renovated, and appropriately equipped workplaces for the employees of the Prosecutor's Office of Georgia.

We plan to start the construction of buildings adapted to modern standards for Tbilisi district prosecutor's offices in Tbilisi.

Vake-Saburtalo, Didube-Chughureti, Isani-Samgori, Old Tbilisi, and Gldani-Nadzaladevi Tbilisi district prosecutor's offices will be transferred to new buildings. The Training Centre of the Prosecutor's Office, adapted to modern standards, will also be located in the new building of the Prosecutor's Office.

In 2022, we plan to continue the renovation of the buildings of the Prosecutor's Office of Georgia and the improvement of the working conditions of its employees.

Primarily remuneration, and also social guarantees, are important for employees' motivation. In 2018-2022, the salaries of the prosecutors, investigators, and other employees, were increased by 50-80 %. The purpose of increasing salaries is to approximate the remuneration and social guarantees of the employees of the Prosecutor's Office to the remuneration of prosecutors, and to equalise social guarantees to those enjoyed by judges in EU Member States.