



TEXTS ADOPTED

P9_TA(2023)0046

Situation of the former President of Georgia Mikheil Saakashvili

European Parliament resolution of 15 February 2023 on the situation of the former President of Georgia Mikheil Saakashvili (2023/2543(RSP))

The European Parliament,

- having regard to its previous resolutions on Georgia, in particular that of 9 June 2022 on violations of media freedom and the safety of journalists in Georgia¹ and of 14 December 2022 on the implementation of the EU Association Agreement with Georgia²,
- having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part³, and to section 1.4 of the short and medium-term priorities laid down in Recommendation No 1/2022 of the EU-Georgia Association Council of 16 August 2022 on the EU-Georgia Association Agenda 2021-2027⁴,
- having regard to the Commission communication of 17 June 2022 entitled 'Commission Opinion on Georgia's application for membership of the European Union' (COM(2022)0405) and to the European Council conclusions of 23-24 June 2022 on the membership applications of Ukraine, the Republic of Moldova and Georgia,
- having regard to the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to UN General Assembly resolution 45/111 on Basic

¹ OJ C 493, 27.12.2022, p. 104.

² Texts adopted, P9_TA(2022)0442.

³ OJ L 261, 30.8.2014, p. 4.

⁴ OJ L 218, 23.8.2022, p. 40.

Principles for the Treatment of Prisoners and to UN General Assembly resolution 70/175 on United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),

- having regard to resolution 2463 (2022) of 13 October 2022 of the Parliamentary Assembly of the Council of Europe entitled 'Further escalation in the Russian Federation's aggression against Ukraine',
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas former Georgian President Mikheil Saakashvili was detained in October 2021 upon his return to Georgia following an eight-year exile;
- B. whereas in 2018, he was convicted *in absentia* by a Georgian court to a six-year prison term for abuse of power while in office, charges that Mikheil Saakashvili denied and qualified as politically motivated; whereas he currently faces trial on additional charges;
- C. whereas in November 2021 he was transferred to a prison hospital following a hunger strike and reports about his deteriorating health; whereas in May 2022 he was transferred to a prison service-contracted civilian clinic following opinions from independent doctors that his condition would not improve otherwise; whereas his health has continued to deteriorate since then, he has lost a substantial amount of weight and according to recent medical reports he is still not receiving proper care, which raises fears for his life;
- D. whereas a toxicology report by Dr David E. Smith, M.D. & Associates concluded in 28 November 2022 that the tests on hair and nail samples from Mikheil Saakashvili had revealed the presence of heavy metals and other agents, and that many of the pathological symptoms displayed by Mikheil Saakashvili are consistent with heavy metal poisoning while in detention, contributing to his rapidly declining health; whereas in December 2022, Empathy Centre, a Georgian anti-torture non-governmental organisation, published a medical report on Mikheil Saakashvili's health status based on a medical examination conducted by a commission of 10 Georgian and six international experts; whereas this report diagnosed Mikheil Saakashvili with more than 20 disorders, 10 of them serious, and stated that his condition was incompatible with imprisonment; whereas the report stated that certain conditions would cause irreversible deterioration in health, reduced life expectancy and even death if Saakashvili were not given adequate treatment;
- E. whereas according to the opinion submitted to the Tbilisi City Court by the Public Defender of Georgia, Mikheil Saakashvili's health has worsened dramatically over the past months, his condition is rated as severe and, as a result, he should be released to undergo medical treatment in accordance with Article 283 of the Criminal Procedure

Code of Georgia; whereas on 6 February 2023 the judge of the Tbilisi Court ruled against Mikheil Saakashvili's release or the deferral of the execution of his sentence on health grounds;

- F. whereas Mikheil Saakashvili has on multiple occasions asked to be moved abroad for appropriate medical treatment;
 - G. whereas the EU Head of Delegation as well as the Heads of Mission of EU Member States present in Georgia have raised their concerns about Mikheil Saakashvili's deteriorating health and underlined the responsibility of the Georgian authorities to protect his rights in several meetings with representatives of the Georgian government;
 - H. whereas many key Georgian civil society organisations signed statements calling on the government to take responsibility for saving Mikheil Saakashvili's life and health, such as the statement of 14 December 2022 entitled 'The government should bear responsibility for Mikheil Saakashvili's health condition' and of 2 February 2023 entitled 'Statement regarding the trial of Mikheil Saakashvili';
 - I. whereas many representatives of the international community have called for the immediate release of Mikheil Saakashvili, including the Parliamentary Assembly of the Council of Europe in its Resolution 2463 (2022);
 - J. whereas the Georgian authorities have so far rejected the many public calls to release Mikheil Saakashvili and allow him to receive medical treatment abroad; whereas the Georgian authorities have declined requests by Members of the European Parliament, international experts and even the Public Defender of Georgia to visit Mikheil Saakashvili in prison; whereas on several occasions high-ranking officials of Georgia's ruling party have made unacceptable statements about former President Saakashvili's health condition and situation;
1. Expresses grave concern about the deteriorating health of former President Mikheil Saakashvili and the inadequate response by the Georgian authorities so far; considers that the treatment of prisoners, such as former President Saakashvili, is a litmus test of the Georgian government's commitment to European values and its declared European aspirations, including EU candidate status;
 2. Reiterates its call on the Georgian authorities to release former President Mikheil Saakashvili and allow him to receive proper medical treatment abroad on humanitarian grounds and as a way of reducing political polarisation; takes note of the recent statement by the President of Georgia urging all sides to resolve the situation of Mikheil Saakashvili in order to put the country's progress with European reforms back on the centre stage of politics and invites her to use her constitutional right to pardon Mikheil Saakashvili;

3. Reminds the Georgian authorities that they have responsibility to ensure the health and well-being of the former President, to provide him with adequate medical treatment and to respect his fundamental rights and personal dignity, in line with Georgia's constitution and international commitments;
4. Calls on the European Council and the Commission to become more actively involved in securing the release of former President Mikheil Saakashvili and enabling him to receive proper medical treatment abroad;
5. Underlines the fact that the continuing failure to improve the situation of former President Mikheil Saakashvili will continue to damage Georgia's reputation and hamper its European Union candidacy prospects; is of the opinion that Mikheil Saakashvili's death in custody would be a blow to Georgian democracy and to Georgia's international reputation;
6. Underlines that in the already polarised political climate in Georgia, the continued detention of Mikheil Saakashvili only deepens the rift between the government and opposition and erodes public trust in democratic institutions;
7. Emphasises that the case of Mikheil Saakashvili further highlights the importance of implementing genuine reform of the justice system;
8. Calls on the European External Action Service and the Commission to continue to systematically monitor Mikheil Saakashvili's court hearings, both those on the charges brought against him and those on his request to be transferred abroad;
9. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe and the President, Government and Parliament of Georgia.