

# POLICE REFORM IN GEORGIA

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11 May 2020

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## Background and introduction

Amongst the countries that emerged after the collapse of the Soviet Union, Georgia stood out as one of the least stable. The country was plagued by a dysfunctional public sector, rampant corruption, and organized crime. Territorial conflicts and a lack of resources to deploy in the hope of spurring economic growth did not bode well for the country's further development. Georgia was often described as a failed state because of the level of instability, lawlessness, corruption and organized crime that permeated political and socio-economic life of the country (Iberi, 2010). Eduard Shevardnadze, former Minister of Foreign Affairs of the Soviet Union, who came to power in 1995, brought a certain level of stability by co-opting various powerful groups and individuals. However, the other side of such an arrangement was that the government of Shevardnadze turned a blind eye to the ways that these groups controlled and managed various areas of the public sector. As a result, corruption pervaded public institutions. Some public servants, most infamously, in the police force, collaborated with criminal networks for mutual benefit. These police frequently exploited discretionary power for personal enrichment, which enabled organised crime and armed militias to thrive.

In 2003, Shevardnadze was forced to resign amidst the 'Revolution of Roses' led by Mikheil Saakashvili, a young and charismatic Western-educated former Minister of Justice, who won the sympathies of the vast majority of population (Greenberg, 2004). In 2004, Saakashvili was elected president with 97 per cent of the vote, thereby securing a mandate and broad public support to enact a set of radical reforms upon which he intended to build a modern and democratic state (Greenberg, 2004). These reforms were designed to tackle corruption, bring about law and order by eliminating organized crime, and increase government effectiveness. Once in power, the Saakashvili government began its programme immediately, placing curbing corruption at the centre of reforms in all spheres. The results of this so-called 'big bang' approach were rapid and staggeringly successful. Within seven years, Georgia moved from being one of the most corrupt countries in the world in 2003 (124-128<sup>th</sup> out of 133 countries ranked by Transparency International's Global Corruption Perceptions Index), into the less corrupt half of the table in 2010 (68<sup>th</sup> out of 178 countries) (Corruption Perceptions Index, 2003; 2010). The police, in particular, underwent immense changes in a short period of time, and soon the institution became a 'poster child' of the government's reform programme. Saakashvili's government also managed to dramatically improve public service delivery and the customs systems, which laid the groundwork for attracting more foreign direct investment (FDI) and developing the business sector.

This case study analyses the sweeping reforms of the Georgian police that were implemented by the government of Saakashvili. It examines the impact they had and analyses the reforms using the Nikolas Kirby's framework of public institutional integrity, conceptualised as 'the robust disposition of a public institution to legitimately pursue its legitimate purpose, to the best of its abilities, consistent with its commitments' (Kirby, 2018). The study also differentiates between so-called 'low' and 'high' policing, a term borrowed from Canadian policing expert Jean-Paul Brodeur and applied to the Georgian context by Alexander Kupatadze (Kupatadze, 2012). Low policing is defined as those areas of policing where members of the police interact directly with citizens on a regular basis, such as traffic or criminal police. High policing refers to more senior structures of the police's institutional hierarchy, and where interactions with the citizenry are rather rare. Drawing this distinction facilitates a more precise description of the police reforms, of the continuities and discontinuities with prior police practices, and of how the reforms impacted the ethos of the police's various constitutive parts over time, as well as the institution as a whole.

What emerges from this analysis is that high policing, although somewhat reformed, appears ill-positioned to embody and promote institutional integrity. On the contrary, low policing has been more successfully reformed in accordance with the conceptual components of institutional integrity, and with the popular expectations of Georgians. The explanation for these outcomes partly lies with the greater relevance of high policing compared with low policing when it comes to maintaining the government's grasp on power.

## **Police before the 'Revolution of Roses'**

In the aftermath of the collapse of the Soviet Union, the police force in Georgia epitomised the general lawlessness, patronage and corruption existing in the country and embedded in the country's institutions. As Kukhianidze has argued:

Violations of human rights, torture, illegal arrests, extortion of money from business people, drivers and criminals, bribery, falsification of the results of investigations, involvement in crimes and assassinations became the usual practice of the police forces (Kukhianidze, 2003).

Even after 1995, when the country became relatively stable, as power was consolidated in the hands of Eduard Shevardnadze, the police force was effectively granted freedom to engage in corruption and crime in return for loyalty and political support (Devlin, 2010). This was exemplified by the unofficial right of the

Ministry of Internal Affairs -- one of the core police structures guarding the interests of the ruling elite -- to engage in illegal activities (Fritz, 2005). For instance, under Kakha Targamadze as the Minister of Internal Affairs in 1995-2000, the ministry engaged in the cigarette business, controlling retail and wholesale markets (Darchiashvili and Nodia, 2003). It also extended its grip on petroleum business and other sectors of commerce (Darchiashvili and Nodia, 2003). In maintaining these illegal businesses, according to police data, the ministry and the police tolerated and even cooperated with so called *thieves-in-law* -- a group of criminals vested by authorities with a special status of 'criminal dignitaries', who enjoyed a top position within the organized crime structures and employed their informal authority over other criminals (AOCU-T, 2004). Businesses that wanted to continue operating often needed to find so called '*krisha*' -- a Russian term for 'caretaker' who has close connections to the government and can protect one's business in return for financial kickbacks (Gilauri, 2017). In the same vein, representatives of the police themselves systematically perpetrated extortions and racketeering against citizens and businesses, which further generated strong disincentives for private sector development (Darchiashvili, 2006).

Of the police services, the traffic police were the most notoriously corrupt. The magnitude of the problem at that time is captured by Devlin's description of the impossibility of 'driving 10 kilometers without at least a few traffic policemen stopping your car and asking for a couple of dollars bribe,' (Devlin, 2010). It was also not uncommon for ordinary traffic police officers to pay bribes to their chiefs in order to install additional traffic signs or traffic lights, so that they have more opportunities for exacting bribes (Gilauri, 2017). Hence the police force as a whole was viewed by the population at large as one of the most, if not the most, corrupt and lawless public institutions. Frequent interpersonal interactions of the traffic police (low policing) with citizens made it the greatest source negative public perceptions (Fawn, 2013).

The culture of the police was based on exploiting opportunities for illegal income generation. Prospective police officers regarded a bribe that they were required to pay in order to be admitted into the police as an investment towards future returns, to be extracted through taking bribes from the population (Kupatadze, Siradze and Mitagvaria, 2005). A bribe paid for becoming a police officer was in the amount of USD 2000 (Gilauri, 2017). Police officers therefore viewed their job as a source of personal enrichment, not as a service to the citizens of Georgia (Kupatadze, Siradze and Mitagvaria, 2005). This was a phenomenon that pervaded both high and low policing, and was prevalent among the different ranks within both police structures. While high-ranking officers engaged in more complex schemes, including those relating to organised crime and grand corruption, low-ranking officers oftentimes outright demanded bribes from citizens.

Before the 'Revolution of Roses' and the ensuing reforms, salaries of ordinary police officers started from USD 20, while an average monthly salary of public administration employees was around USD 91 (Gilauri, 2017). Delaying payment of these meagre wages for several months was also quite a common practice, augmenting the incentives for police officers to continue extracting bribes from citizens in order to raise their personal incomes (Gilauri, 2017). Part of the underlying problem was the incapacity of the state to ensure collection of tax payments, which left the treasury without the necessary funds to increase public servant salaries and pay them on time (Gilauri, 2017). For instance, 'during the first half of 2001, only 27.3 percent of the petrol consumed was taxed', which was the direct outcome of detrimental involvement of the Ministry of Internal Affairs in illegal business activities (Darchiashvili and Nodia, 2003). Under such circumstances, it should not come as a surprise that police officers had no incentive to fulfill the institution's theoretical purpose to serve the interests of the Georgian people by ensuring their safety and maintaining public order.

Citizens' deep distrust of the police was not only due to perceptions and actual experiences of corruption, the quality of police officers' professional qualifications was poor, due to a lack of adequate training and education (Fritz, 2005). This lack of professionalism led citizens to distrust the police's basic competency and contributed to the absence of a mutually respectful relationship. On the eve of the 'Revolution of Roses', there was strong public discontent with the police and a thirst for immediate and resolute institutional reforms.

## **Sweeping reform of the new government**

After coming to power, the government led by Saakashvili decided to employ what became known as a 'big bang' approach in fighting corruption and crime in general, and within the police force in particular. 'Big bang' reform is defined as a complete overhaul of public institutions through sweeping, large-scale measures aimed at reorganising these institutions (Mungiu-Pippidi, 2015). In the context of Georgia, the measures included an almost complete replacement of old cadres within key institutions and punishment of those found guilty of corruption and other crimes (Mungiu-Pippidi, 2015). A 'big bang' approach was widely perceived as the most effective way of improving overall state capacity as well as inculcating a culture based on norms and principles of impartiality in public institutions. Saakashvili's government had a mandate to act decisively, speedily, and radically from its explicit popularity in the 2003 elections. This was coupled with strong public demand for reforms that would bring fast results. The reform process started with the police. Rationale for this choice might lie in the desire of the new government to

consolidate its popularity by addressing one of the most intolerably corrupt areas of the public system, and one that universally and directly affected citizens.

The government proceeded with replacing police officers *en masse*, particularly those who had been members of the institution during the Soviet era and those who had been found guilty of corruption or other crimes. These officers were replaced by young people without such a background. In Tbilisi, the capital, 83 per cent of police officers were dismissed (Kupatadze, Siradze and Mitagvaria, 2005). Over the country as a whole, half of police personnel, or approximately 15,000 officers, were fired in 2004 (Boda and Kakachia, 2005). Some of the dismissed officers faced criminal charges, while those who remained in the police were given a chance to undergo retraining and join the reformed police. The government also exercised a zero-tolerance approach in relation to members of the police force demanding bribes. Such a strategy resulted in elimination of so-called predatory policing, defined as the extortion of money for personal benefit through corruption and engagement in criminal activities (Kakachia and O'Shea, 2012).

The complete reorganisation of the institution that resulted from these changes was essential to disrupting the involvement of police members in criminal networks. Clearing the institution of its entwinement with corruption and crime paved the way for concentrating efforts on the core purpose of the institution, which has also been captured in the new police code of ethics - serving the public and ensuring every citizens' liberty and security by enforcing the law (Georgian Police Code of Ethics, 2013). Moreover, as fighting crime and corruption was one of the broader priorities on the agenda of the new government, a police force that could be deployed towards meeting those ends made it a political asset.

However, the extent of the reforms varied across different arms of the institution. The traffic police, one of the low policing branches, underwent the most significant change as the result of the reform. To grasp the resoluteness to implement the reform through decisive and radical measures, it is worth mentioning that due to massive dismissals the entire country was virtually left without traffic police for a month. The majority of the members of new traffic police were hired and trained anew, while only 15 percent of police officers that had served in the previous administration retained their positions. The reform of traffic police is illustrative of the speed and effectiveness of broader police reform.

Traffic police were given precedence both as the very first branch of police to be reformed and as the one which underwent the most drastic changes. Singling traffic police out could have several explanations. First, the traffic police were the most publicly visible arm of the police institution as a whole. Thus, the success of its

reformation through sweeping measures was supposed to shape popular opinion and meet popular expectations, also setting the tone for and demonstrating the resoluteness of the government in carrying out its reform agenda (Devlin, 2010).

Second, as Shota Utiashvili, who at the time of the reform was chief of the Information and Analysis Department in the Ministry of State Security, recalled:

Traffic police didn't have so much exposure with the criminals; they just had the exposure to the drivers ... That's why starting with the Traffic Police was the easy part. If you started with the unit that fights with organized crime, then you have a problem. So the Traffic Police was chosen exactly because it was easiest (Devlin, 2010).

This assessment by Utiashvili confirms that reforming high policing structures, such as those dealing with organized crime, would not have run as smoothly and rapidly as reorganizing traffic police.

Third, the task of the government in reforming traffic police was relatively simple given that specific skills and experience were not as essential to performance of traffic police compared with other structures within the police, making it more conducive to such radical steps. For comparison, the criminal police, a branch of the police that requires more expertise and specific skills, retained one third of officers who served in the previous administration (Light, 2014). Hence it is no coincidence that this particular institution of low policing, which came into direct contact with the general public more often than other branches of the police, was picked by the new government in order to turn it into the showcase of the overall sweeping reforms in Georgia against corruption and crime.

### **Centralisation of the police system**

One of the most important aspects of the reform was overall centralisation of the police system. The new government viewed the decentralised structure of the police as one of the factors facilitating pervasive engagement of police members with corruption and crime. Such decentralisation in the Georgian context with no clear system of subordination only reinforced the patterns of lawlessness and arbitrariness existing within the police force. Along with facilitating arbitrary exercise of power by the police, the absence of a strong, centralised police structure was also an indicator of the lack of state capacity. This contributed further to disorder and lawlessness in Georgia, which police officers misused for personal benefit



(Gilauri, 2017). Centralisation of the police structure was therefore an integral element of the larger agenda aimed at state building and enhancing state capacity that the new government set out to achieve.

Centralisation implemented by the reformers, resulted in significant transformations of the hierarchical structure of the police. Prior to the reform, the lack of clarity surrounding the subordination system influenced every aspect of work of police officers – from collecting money from citizens either legally (official fines) or illegally (bribes) and passing them to superiors, to subordinates being dependent on their superiors for receiving salaries (Devlin, 2010). Under the new system, financial flows between ordinary police officers and their superiors were eliminated, as the former no longer passed collected finances to the latter. All fines charged from citizens were to go directly to the state budget through bank payments, without passing through the hands of higher-ranking police officers (Gilauri, 2017). Likewise, wage payments were to be paid into bank accounts of police officers rather than handled in cash by their superiors. Thus, the reform tackled financial flows within the police and reduced dependence of ordinary police officers on their leadership, paving the way for significant reduction of opportunities and incentives to engage in corruption (Devlin, 2010).

One of the important aspects of centralization consisted of transferring some services previously conducted by the police to other relevant public agencies. For example, the issuance of passports and visas was transferred to the Ministry of Justice, while the issuance of driving licenses, the registration of vehicles, and weapons, was transferred to a new Service Agency created within the Ministry of Internal Affairs (MIA). Furthermore, a number of police, customs and notary services were brought under one unit, which improved the ability of the state to oversee the administration of services that were previously distributed across several public agencies.

The Saakashvili government also significantly centralised high policing institutions by merging the Ministry of State Security (MSS) – modeled on and considered to be the successor of the KGB – and the Ministry of Internal Affairs (MIA) into a completely new institution (although still called the 'MIA'). This, coupled with dismissal of corrupt and criminal public servants, helped to end the enmity existing between the members of two previous structures and made them cooperate under the framework of the new agency, resulting in greater centralisation (Devlin, 2010). With a view to efficiently utilise resources, whilst simultaneously removing corrupt officers and perpetrators of previous crimes, the government significantly downsized the new structure. The centralisation of these high policing institutions strengthened their overall capacity and effectiveness, contributing to the proper state-building process in Georgia unleashed by the new government. Under the newly centralised

system, the opportunities for engaging in high-level corruption decreased and links existing between the representatives of high policing institutions and criminal networks were broken. The result of these changes, however, meant that the grip of the government on high policing also tightened, laying the ground for diminishing the autonomy of the police as an institution and thereby compromising the compliance of high policing with the concept of public institutional integrity.

### **New institutional ethos centered on service to citizens**

Centralisation of the police, while an important element of the reform, would not have been sufficient on its own to account for the success of the reform. The police structure could be centralised, but still be corrupt and unresponsive to the needs of people, failing to serve the public's interests. Thus, the government of Saakashvili also aimed to use the comprehensive police reform that it enacted as an opportunity to change the whole culture and institutional ethos of the police in Georgia.

The principles of democratic policing with the emphasis on respect for citizen's rights and freedoms, as well as a central concern of the reformed police for the protection of and service to citizens rather than on any other ulterior motives were at the heart of the cultural transformation of the police and were essential for ensuring durability of this institution (Boda and Kakachia, 2005). The Police Development Strategy elaborated by OSCE experts and adopted by the MIA of Georgia stated that the primary goal of the police reform was to transform the police 'from a formerly repressive organization into an organization that will be wholly responsible for the safety of citizens' (Boda and Kakachia, 2005). The document captured the service-focused nature of the reformed police: 'the police should assist the community and should not be identified with as a body that only implements the prosecution of criminals' (Boda and Kakachia, 2005). Furthermore, one of the main ways of successfully modifying the institutional ethos of police was to turn it into a modern and properly functioning organisation. In doing so, the reformers specifically underlined the importance of promoting professionalism within the police. Instilling faithfulness to the institution among police officers and breeding a sense of unity and mutual support was another essential approach for forging a new institutional culture (Boda and Kakachia, 2005).

The substantive reorganisation of the police force and new young membership of this institution were instrumental for the introduction and successful inculcation of a new institutional culture that was underpinned by values of ethics, integrity and honesty. Young cadres without corrupt background rapidly internalized new norms and principles of operation of police.

A tangible increase in salaries dis-incentivised lower ranking police officers from accepting bribes, while corruption at higher levels was tackled through the use of stronger control mechanisms by the new government, as well as through the centralisation of the new institution. A zero tolerance policy towards corruption within the police force also sent a strong signal about the resolve of the government to combat corruption and its desire to forge a new institutional culture. This policy is well illustrated by creative application of so called 'mystery shopping' method conventionally used in the field of marketing:

Equipped with hidden cameras, plainclothes agents would intentionally break the law under the eyes of a traffic police officer. They had instructions to offer a bribe if they were stopped. If a given law enforcement officer failed to stop the perpetrator, he was fired. If the officer stopped the agent, but accepted the bribe, he went to prison. If he refused the bribe, he was recommended for promotion or given a bonus (Gilauri, 2017).

Alongside a zero tolerance to corruption, the above cited example demonstrates the element of meritocracy utilized in the process of the police reform, which will be discussed in the following section. Such an approach influenced the behavior of police officers and solidified their commitment to the novel principles based on serving citizens and refraining from corruption.

Further to this, the government employed a combination of 'soft' mechanisms and 'hard' measures to reform policing, in order to shape the behaviour of police officers, as well as citizens of Georgia, in accordance with the new culture of anti-corruption. For instance, the MIA broadcasted its own television programme called "Patrol", which featured night-time raids on the homes of officers who had been recorded taking bribes:

The force's public profile was also bolstered when the MIA began to produce its own television show, "Patrol," that would run every day for 15 minutes during evening primetime, covering the crimes of the day. The end of each show would feature a public-service announcement on a topic such as where people should go to register their cars (Devlin, 2010).

Such measures, coupled with the sweeping legal and structural approaches taken by the new government, helped to further effectuate a cultural change within the police and widely promote this cultural shift among all layers of Georgian society.

## Introduction of meritocracy, increase in salaries and reduction of personnel

While these sweeping measures were implemented with a view to eliminate corruption and crime within the police, as well as to uproot patronage on which the police system was previously based, there was also a further, pressing need to enhance the professionalism of police officers, without which a comprehensive reform could not have been complete. The introduction of meritocratic principles for recruitment, training and the promotion of police officers was an essential step towards improving their qualifications and professionalism. The government therefore paid specific attention to instilling meritocratic norms within the institutions of the police force (Kakachia and O'Shea, 2012).

To illustrate the necessity of this reform, consider the following: prior to the 'Revolution of Roses' and the subsequent police reforms, it was common for cadets to pay a bribe in the range of 4000-6000 USD in order to be admitted to the Georgian Police Academy (A. Kupatadze, G. Siradze, and G. Mitagvaria, 2005). The logic for paying this bribe was based on the prospects of future returns that would-be police officers would yield through engaging in corruption. This serves to illustrate the culture and the level of bribery permeating the institution of police from the early stages of stepping into this institution as a student and prospective police officer.

After completing the reformation of police in 2004-2005, this corrupt practice was addressed, with the possibility to bribe one's way into the police system essentially removed. In order to effect this, an open and transparent examination process was introduced, paving the way for significant reduction of opportunities for bribery (Kupatadze, Siradze and Mitagvaria, 2005). Introducing meritocratic principles for recruitment, training and promotion of police officers also contributed to the support and furthering of the new organizational ethos of the police force, which was grounded in service to citizens, ethics, and unacceptability of engaging into bribery. The new emphasis on meritocracy in the institution expedited the inculcation of this new organizational ethos in the police.

The introduction of meritocracy as a measure aimed at curbing corruption and transforming institutional culture of police has to be viewed in conjunction with increased salaries and reduced size of the police, because the successful application of meritocratic principles would not have been possible without these other two important components of the reform.

Increasing salaries and reduction of personnel was also facilitated by the capacity of the government to fund the state budget through taxation – another major achievement of the Saakashvili government. The previous administration failed to achieve this outcome because of its incapacity or unwillingness to prevent squandering of financial resources by various groups. Under the Saakashvili government, however, between 2005 and 2008, tax collection grew by staggering 400 per cent (Asmus, 2010). This was a crucial stepping-stone for improving the salaries of public servants, including police officers, which in turn resulted in lowering the incentives for bribery (Kakachia and O'Shea, 2012). Wages of police officers increased by around nine-ten times, providing them with a decent pay by local standards (Boda and Kakachia, 2005).

Further, the government decided to shrink the size of the police force, which was unnecessarily and unreasonably large prior to the reform. Staff numbers in police were reduced from excessive 650 to 150 thousand (Kupatadze, Siradze and Mitagvaria, 2005). Before the reform Georgia had one law-enforcement agent per 78 citizens, yet by 2006 this number changed to one agent per 214 citizens. This meant that finances that were previously spent on maintaining unreasonably large and ineffective police force were now channeled into training and enhancing the qualifications of the police officers, thereby strengthening and sustaining meritocratic principles by which the reformed police functioned.

## **Impacts of the reform**

### **Elimination of corruption, organized crime and patronage**

Police reform was a successful example of demonstrated resoluteness for drastic measures and resulting effectiveness in terms of eliminating corruption within this institution in a very short timeframe, increasing its effectiveness and transforming its culture towards service to citizens. One of the greatest impacts of the reform was that it eliminated corruption and organised crime, as well as the deep patronage upon which the whole institution of police was previously based.

Organised crime permeating public and business sectors and deeply intertwined with the institution of police in Georgia had been one of the most blatant problems since the independence period. Yet after only two years in office, Saakashvili noted 'the representatives of criminal structures do not control Georgian business anymore because we did not let them gain power and we did not let them in the government,' (Civil Georgia, 2006). The new government in a short timespan managed to uproot patronage within the police and disrupt tight connectedness of the institution of police to criminal networks, thereby undermining predatory

policing practices described earlier (Kakachia and O'Shea, 2012). Citizens of Georgia remarked in the aftermath of the reform that police officers were no longer expected to pay 'kick-backs' to their superiors nor could positions in the police force be bought through bribery (Kakachia and O'Shea, 2012). In the same vein, joining the police force stopped being seen as an investment made in order to extract returns by taking bribes from citizens. These successful early outcomes of the police reform in Georgia also transformed the relationship between the citizens and the police force. Widespread public respect for police officers was one of the major achievements of the reform, establishing the basis for developing a healthy relationship between the police and the public grounded in the respect for the institution.

### **Increase in public trust**

The functioning and reputation of the Georgian police has been enormously improved in a short timespan between 2004 and 2006. In 2006, 75 percent of citizens evaluated the police favorably for 'readiness to help' and 'ability to fight crime' (Bonvin, 2006). According to the survey conducted by the International Republican Institute (IRI), the police force turned from the country's most despised institution in 2003 into the third most popular institution by 2009, next to Georgian Orthodox Church and the army, with 69 per cent of respondents viewing the work of police favorably (IRI, 2009). Transparency International's Global Corruption Barometer 2010 identified police as one of the least corrupt institutions in Georgia as well as one of the least corrupt police forces in Europe (TI's Global Corruption Barometer, 2010). According to Caucasus Barometer, 54 percent of Georgians trusted police in 2008, while this number grew to 67 percent in 2011 (Caucasus Barometer, 2008, 2011). Thus, public trust and favorable perception of the Georgian police following the process of its reformation is another testament to the success of the reform.

### **Police in the second term of Saakashvili**

Despite the undoubtedly positive effects of the police reform and achievements in enhancing state capacity, the police were also used to suppress opponents to the government of Saakashvili, particularly in his second term in office. As early as 2006, international watchdogs on human rights warned against the use of excessive force and other forms of ill-treatment by law enforcement agencies in Georgia (FIDH, 2007). This tendency became more pronounced during Saakashvili's second term and coincided with the emergence of serious opposition to his rule. In 2007, the Saakashvili government for the first time widely used newly reformed police to violently crackdown on anti-government demonstrations and declared a state of

emergency, restricting public gatherings (Bigg, 2013). This happened against the backdrop of democratic backsliding and increasingly authoritarian methods pursued by the government in its quest to continue the reforms, and was for the first time since Saakashvili's rise to power widely criticized by the Western countries (International Crisis Group, 2007). In response to this tense situation, Saakashvili moved presidential elections scheduled for autumn 2008 to early January of that year, explaining this as a vote of confidence in his presidency and the need to check whether he had full public support (BBC News, 2007). Although Saakashvili won the elections, which largely met democratic standards, with about 52 per cent of the vote (a significantly lower result compared to his first election and with much lower voter turnout), his popularity had been dwindling rapidly (Council on Foreign Relations, 2008). In 2009 and 2011, the police again used disproportionate force to disperse protests against the Saakashvili government (Human Rights Watch, 2009, 2011). Georgia Young Lawyers Association (GYLA) claimed that police has also abused detained protesters after these demonstrations (GYLA, 2011).

Kupatadze identified several categories of political use of police by the government of Saakashvili:

- bullying and intimidating opposition activists;
- bullying and intimidating the population at large to ensure that it does not support the opposition;
- manipulating criminal justice policies to recruit activists for the ruling party;
- manipulating criminal justice policies to raise funds for the ruling party, (Kupatadze, 2012).

Politically motivated abuses by police and cases of politically motivated prosecutions on charges of corruption against opposition members became more frequent (Light, 2014). In 2010, GYLA and Transparency International's Georgia Chapter reported that politicians in the town of Mestia who questioned some municipal expenditures were harassed by the police. (TI Georgia, 2010). Police also reportedly offered those serving probationary periods in jail cancellation of their sentences in exchange of loyalty and support in 2012 elections (Kupatadze, 2012). While the notorious Girgvliani affair, where a banker who had a dispute with MIA officers was taken to the cemetery and stabbed to death, illustrates another instance of politically motivated abuse, (Civil Georgia, 2006). After the election of the new government in 2012, prosecutors accused Vano Merabishvili, Minister of Internal Affairs, of paying each of the four officers \$100,000 to take the blame and eventually pardoned them (Bigg, 2013). Videos showing the cases of torture and rape in the Gldani prison were leaked on the Internet on the eve of parliamentary elections in 2012, further amplifying disappointment with the government and

mounting sentiments against it (Marat and Sutton, 2014). Thus the Saakashvili government used the police for political purposes, jeopardizing the legitimacy of this institution, despite its reformed, highly efficient and non-corrupt nature and broad public support.

## **Police under the government of Georgian Dream**

Georgian Dream, which has been the governing political party in Georgia since 2012 to the present day, was established in 2012 by the billionaire businessman and politician Bidzina Ivanishvili. Ivanishvili became Prime Minister of Georgia after his party won the 2012 parliamentary elections, while Giorgi Margvelashvili – another member of Georgian Dream – won the 2013 presidential elections (before that, Georgia underwent a change in electoral system and shifted from presidential republic to parliamentary, giving Prime Minister more powers). Although Ivanishvili voluntarily left the post of Prime Minister in 2013, all subsequent Georgian Prime Ministers and Presidents up to date have been representatives of Georgian Dream, while Ivanishvili himself, despite not holding any public office has been considered a true leader of the party and wielder of a real political power in the country (he formally returned to political scene and was elected as the Chairman of Georgian Dream in 2018). Georgian Dream won the 2012 elections on the promise to depoliticize and democratize security and law-enforcement agencies, eliminate human rights violations by these institutions and in general, to reform the authoritarian features of the Saakashvili government, including in the police force. Irakli Gharibashvili, a new interior minister, after assuming his office described the ministry as 'a closed system that was under political diktat' and as a tool for repressing political opponents, setting out to make it 'transparent and open to public scrutiny' (RFEL, 2018).

At first, Georgian Dream started to implement these pledges indeed and even received international credit for ending some of the police abuses (Ref World, 2013). Civil society activists and journalists were allowed to access prisons and police facilities, which had been restricted under the Saakashvili government (Marat and Sutton, 2014). GYLA and Transparency International were invited to draft the new law on police, although they were not given sufficient time, and managed to review only 40 per cent of the bill before it proceeded to the parliament and was adopted in 2013 (Marat and Sutton, 2014).

In November 2014 Gharibashvili claimed to have reformed the police, transforming the way this institution interacted with the public (RFEL, 2018). However, this assessment of the new interior minister appears to be far-fetched, as the overall



conduct of Georgia's police, even in the early period of the Georgian Dream government, was not that favorable (Ref World, 2013). After initial signs of openness to external oversight and public scrutiny, public-police collaboration was minimized and further steps in the direction of democratizing the institution of police were halted (Marat and Sutton, 2014). Measures taken by the new government to reduce the ability of incumbents to use police for political purposes and suppression of opponents were insufficient. For example, the new police law still allowed the deputy interior minister to belong to a political party, thereby facilitating the exertion of political influence in this institution (Marat and Sutton, 2014).

Furthermore, despite the pledge of the new interior minister to eliminate the use of the police force for repressing political opponents, the Georgian Dream government has widely deployed police against the members of Saakashvili's administration. Thus, the practice of utilizing the police alongside judicial institutions for pursuing political goals has persisted. Alexander Tchikaidze, who as early as in 2013 replaced Gharibashvili at the post of the interior minister, went on to start a broad prosecution campaign against the members of the former government. Multiple criminal charges were brought against Saakashvili himself, but he managed to leave the country after his presidential term came to an end in 2013. Vano Merabishvili and Bacho Akhalaia, both former interior ministers under the government of Saakashvili, were arrested on charges of abuse of power. It is also alleged that Saakashvili's supporters attending an outdoor rally in Tbilisi were attacked and beaten by opposition supporters while police did not interfere (Light, 2014).

Similarly, criticism of the level of transparency in the police also increased in 2013-2014. The Ministry of Internal Affairs continued to monitor 21,000 cell phones every day, despite its pledge to end massive surveillance methods exercised by the previous government (Marat and Sutton, 2014). NGOs repeatedly raised concerns about cases of alleged ill treatment of citizens in police custody and violence instigated by representatives of police and penitentiary institutions (Marat and Sutton, 2014). Transparency International confirmed that the MIA had its officials appointed to both the Georgian Public Broadcaster and the Georgian National Communications Commission, in violation of Georgian law (Transparency International, 2013). Two directors of the television station Channel 25 reported that they were unlawfully detained, threatened, and pressured by ten members of the Chief Prosecutor's Office to release false testimonies to officials in order for the Ministry to fabricate a criminal case against high level officials of the former government (Marat and Sutton, 2014).

Despite the promising reformatory trend in the beginning, the government of Georgian Dream continued the practice of using police for political ends.

Moreover, although a degree of democratization of the police has taken place, with the public becoming more engaged in police affairs leading to greater police-public interactions, there has been more interest in prosecuting the opponents of the current government, including the members of the previous government, than genuinely improving respect for human rights and fully opening up to public oversight (Marat & Sutton, 2014). It is also widely maintained that most changes done by the new government were aimed at gaining popular support, without bringing a substantive transformation to the police force. Public trust towards police has been on a steady decline since Georgian Dream came to power. According to Caucasus Barometer, while 67 percent of Georgians trusted police in 2011 (one year before the parliamentary elections that brought Georgian Dream to power), this number decreased to 58 and 45 per cent in 2013 and 2015 respectively, then rebounded to 51 per cent in 2017 and then dropped again to 47 per cent in 2019 (Caucasus Barometer, 2011; 2013; 2015; 2017; 2019). As it is seen from these numbers, there is quite a significant difference of 20 per cent in public trust towards police between 2011 and 2019.

Measures taken by the Georgian Dream government with a view to improve the institution of police since it rose to power in 2012 were of rather cosmetic nature, failing to reform negative elements of the police force left after the previous administration. The new government has neither carried out any substantial transformation of the institution as it promised to do, nor did it manage to preserve public trust and confidence in police achieved by the previous government. Quite on the contrary, trust and confidence of Georgians in the police force registered a considerable decline in the last eight years. Recently the public image of the police has been further upset, as it has dispersed by resorting to excessive force a series of anti-government protests that swept the country since summer 2019 (Amnesty International, 2019; Eurasianet, 2019). On this occasion, Transparency International Georgia stated:

Georgian authorities use force against civic activists selectively, disproportionately and unreasonably. The court used administrative detention and solid amount of fines against the activists detained on June 20-21. Civil society organizations are carefully watching the demonstrations following the June protests. The monitoring results show that police do not even provide explanation to the detainees on their minimum rights, defined by the Administrative Offences Code of Georgia. Moreover, during the court hearings, representatives of Interior Ministry are unable to provide evidence to prove lawfulness of detention ( Transparency International Georgia, 2020).

## Analysis

The police reform in Georgia carried out by the Saakashvili government is largely characterized by its emphasis on fighting corruption and crime, particularly in the formative years of the government. Such an emphasis is understandable and unavoidable, given the broader context in which the reform was implemented. It was necessary to eliminate corruption within the police itself, as well as to disrupt the connectedness of police officers with criminal groups in order to ensure the sustainability of the new institution. Before proceeding further with forging an entirely new organizational culture based upon integrity, the issue of corruption had to be dealt with first. This meant that after cleaning the police from corruption and crime through sweeping measures, this institution became one of the major tools for combating corruption and crime in the country overall. However, this continuous focus on fighting corruption and crime within and outside the police force might have led to the displacement of its major institutional purpose, its *raison d'être*, which was serving the public and ensuring every citizen's liberty and security by enforcing the law.

On the one hand, critics often underline the non-democratic nature of the police reform in Georgia and its aftermath, which was accompanied by lack of due democratic process and abuse of human rights (Light, 2014). On the other hand, the broad discretion to implement reforms in a drastic and often non-democratic fashion gave the Saakashvili government a chance to embark upon the process of state building in Georgia, without which the substantial reformation of the police would not have taken place. Thus, in spite of the un-democratic nature of the reforms, this meant that the Saakashvili government was able to achieve successful outcomes in increasing state capacity and efficiency in a short timeframe.

Echoing this tension, Kupatadze has argued that rule of law and democracy was undermined for the sake of creating a stronger and effective state (Kupatadze, 2012). Yet it is also maintained that employing non-democratic methods was the only viable way for yielding positive results given the highly corrupt and sometimes criminal culture of Georgian public sector, (Light, 2014). For instance, Light suggests that it was the semi-authoritarianism of Saakashvili's regime that made the dramatic achievements of the police possible, which may not have necessarily been the case had there been adherence to a fully democratic process (Light, 2014). While it appears that non-democratic methods employed by the Saakashvili government achieved its purpose in terms of bringing about positive results in fighting corruption, curbing crime and disrupting the connectedness of the police with criminal groups, thereby providing for substantial reformation of the institution, protracted emphasis on these elements proved to turn this institution into a convenient tool utilized by the

government to hold on power. Earlier disentanglement of the police force from excessive and prolonged pursuance of these ends, however difficult it might be to conjure this up given the Georgian context, may have facilitated the reorientation and concentration of the institution on fulfilling its main institutional purpose.

### Varying success of the reforms

It is important to also note that while the top-down character of the reform ensured its centralized nature and early success, it also resulted in consolidating government control of the police – one of the major negative consequences of the reform, (Light, 2014). This top-down character was often described as a 'private collaboration' between Saakashvili and the interior minister Vano Merabishvili, with the MIA turning into the most powerful structure in the country (Marat & Sutton, 2014).

The strong centralization of police without devolution to the local level was another factor that contributed to stronger control of police by the government. Kupatadze argues that the ruling elite were unwilling to decentralize police power in order to exercise better control over it (Kupatadze, 2012). This may explain the subsequent use of the police by the incumbent government, as well as the manipulation of this institution for pursuing political objectives, particularly during Saakashvili's second term. This trend did not diminish under the subsequent government of Georgian Dream either: despite the initial steps taken by the new government after coming to power in 2012 aimed at depoliticizing and democratizing the police force, the tendency of using the police for ensuring the interests of the ruling elites proved to be a continuity.

One also has to take into account the nature of the police as a socio-legal institution. It is difficult to achieve full independence of police even in developed democratic societies, because the police unlike, for example the judiciary, are not broadly recognized as an essential tier of democratic governance (Kupatadze, 2012). It is therefore more conducive to manipulation and tighter control by the government. This may be particularly true in the context of countries in transition such as Georgia, given the overall background against which the reform was carried out, with notorious levels of corruption and organized crime that needed to be tackled.

While the effectiveness and overall success of the reform is indisputable (at least operationally speaking), Kupatadze advocates analysing the police reform in Georgia by splitting it into two categories - 'low policing' and 'high policing' (Kupatadze, 2012).

'Low policing' entails the services of police to the population, which was highly successful. This part of the reform was the most tangible for citizens, as it included the complete transformation of patrol police, border police and criminal police, all of which are defined by frequent public-police interactions (Kupatadze, 2012). Reforming this type of policing was essential to satisfy the immediate demands of the population.

'High policing', on the other hand, involves such institutional departments as Special Operations Department, Constitutional Security Department and Counterintelligence, which remained largely unreformed, non-transparent, and controlled by the government (Kupatadze, 2012). Moreover, as discussed above, both 'low policing' and 'high policing' were utilized by the government – both of Saakashvili and that of his successor – for ensuring their political interests.

It is also important to draw a distinction between lack of adherence to democratic process during the reform itself and the later utilization of the reformed police for pursuing the political purposes. While the former might be justified by a benign and morally upright goal of tackling the immediate issues of corruption and organized crime, and was thus broadly supported by the population, the latter use of the police cannot be justified on such grounds and undermines the integrity of the institution of police. Bayley articulates this point, arguing that a democratic police force must be subject to civilian oversight, and must prioritize service to citizens, rather than the political goals of preserving a particular regime (Bayley, 2006). This perspective prescribes two core requirements for the police in a democracy. The first is to create a police force that is citizen-centric in orientation, an institution that is truly in the service of the community it supports. This first requirement was achieved by the reform discussed above, with great success. The second requirement outlined by Bayley is that the police in a democracy is sufficiently independent such that they cannot be used for political purposes (i.e. being used in the service of regime preservation). In the second instance, the Georgian case fails to meet this requirement, given the evidence from Saakashvili's second term in office and the subsequent administrations led by Georgian Dream. This two-edged nature of the reform outcomes calls for a further analysis with a view to understand whether the police force that resulted from the Saakashvili government's reform complies with the concept of institutional integrity.

## **Police and institutional integrity**

This paper now analyses the Georgian police reforms of 2004-2008 through the lens of institutional integrity in order to assess the outcomes of the reforms. Institutional integrity is defined as the disposition of an institution, through its formal rules and members, to conform to its legitimate purpose robustly, across time and circumstance. (Kirby, 2018). It has four major components - purpose, legitimacy, institutional pursuit of purpose and robustness. Turning to the Georgian police, it appears that Georgian police as a whole institution had a clear purpose, which emerged as the result of the implemented reform: to serve the population in an effective and non-corrupt manner, maintain public order and ensure safety and security of citizens. Yet despite the transformation of the police and re-orientation of its purpose as an institution centred on providing services to the citizenry of the Republic of Georgia, it also became a political tool first for the government of Saakashvili and then of the Georgian Dream government to stave off opponents through arbitrary exercise of police power. As such, the real purpose of the institution has been somewhat ambiguous: either the police serve the citizenry, or it serves the incumbent political regime, (Light, 2014). To resolve this ambiguity, and to assess whether the police in Georgia at all comply with the above conception of institutional integrity, it is necessary to use Kupatadze's distinction between 'high' and 'low' policing, (Kupatadze, 2012).

### Low Policing

Low policing largely sustained its original mandate and *raison d'être*. Service to the population remained at its heart and persisted across electoral cycles and changes of government, ensuring robustness of this institutional purpose across time and circumstance. Low policing departments maintained a clear purpose of being at the service to Georgian citizens. The twin goals of maintaining order as well as ensuring the safety of citizens were well internalized by the members of low policing departments.

It is worth noting that the compliance aspect of the reform may have been crucial to this process, as the government of Saakashvili exercised a zero-tolerance stance towards corrupt police officers. This was carried out through radical, if non-democratic, methods towards fighting corruption and crime, which the members of police had to observe. Nonetheless, such tactics ensured compliance amongst low policing departments, which facilitated the fulfillment of the major purpose of the police – serving the citizenry. The purpose of serving the people of Georgia created a duty for police officers of low policing structures to pursue, thereby satisfying the criteria of purpose legitimacy of institutional integrity.

On the other hand, low policing departments were also involved in suppressing the opposition, casting doubt on its true legitimacy. However, considering the nature of the institution of police and overall context in which the reform was implemented, which effectively paved the way for tighter control over police by the executive power, it is clear that this does not constitute a sufficient negation of low policing structures' legitimate purpose – to serve the population. Thus, low policing is generally compliant with institutional integrity. However, the government's tough, somewhat anti-democratic measures to transform this institution into a tool to fight corruption and crime also set the stage of low policing to be used in the service of the political interests of the ruling elites, primarily through establishing greater executive control over the police. This tight control of police sustained itself under the subsequent governments of Georgia Dream, despite the latter's promises to further reform the institution. Further dynamics of the relationship between the ruling elites and the police institution will be key to understanding the development path of low policing structures and whether their institutional purpose will be sustained by decreasing politically motivated interference of the incumbent government into the police matters, or eroded by increasing involvement of this sort.

### High Policing

Unlike the mixed record of low policing in Georgia, high policing has diverted from its initial institutional purpose and embraced a rather blurred purpose that was heavily defined by the political interests of incumbent governments. The compliance of high policing institutions with drastic measures of the Saakashvili government matched the purpose of fighting corruption and organized crime, hence it was providing service to the population. Yet when aimed at ensuring the interests of the ruling elites through oppressing the opponents of the incumbent governments, this compliance falls beyond the scope of the original purpose of police. Thus, it is highly doubtful that the purpose of serving the population creates a duty for the members of high policing institutions to pursue it and disregard other possible reasons for doing so, thereby falling short on the criteria of legitimacy of purpose. Under such circumstances, the legitimate purpose of high policing is also undermined in the following way: even when high policing pursues its goal of serving the population, it becomes unclear whether this is done intrinsically with a view to serve citizens or simply coincides with the interest of the ruling elites. This does not represent an independent legitimate purpose of the institution of police, as service to people becomes pliable to coincidence of this service with the interests of the ruling elites.

### Major takeaways

The following major findings and takeaways are drawn from the analysis of the police reform in Georgia:

- As the case of Georgia demonstrates, a sweeping 'big bang' reform does matter in systematically corrupt and even criminal contexts. Given that political will is in place (supported by broad public approval in case of Georgia), such a reform may engender a virtually new institution, with new institutional culture and ethos, centered on service to citizens and meritocracy based performance.
- The police reform in Georgia was implemented in response to a dysfunctional, corrupt and criminal context into which the institution of police was itself deeply embedded. It appears that police in the pre-reform period plunged into corruption and crime too profoundly to be reformed incrementally.
- At the same time, sweeping reform was tested on a full scale only in relation to 'low policing' structures. Drastic measures taken by the Saakashvili government to successfully reform 'low policing', may not have yielded the same outcome had they been utilized for reforming 'high policing' structures, considering a much more complex nature of the latter. That is why 'high policing' underwent less radical changes.
- The police reform was implemented against the general backdrop of state building, of which fighting corruption and crime was an essential part. The reformed institution of police was broadly put to use to that end. For that purpose, it has gradually been granted with more powers and became too entwined with the ruling elites. This facilitated the utilization of the police force by the government in order to ensure its political interests, which prevented the police from focusing fully on its main institutional purpose.
- High centralization of the police force proved to be an important input for the success of the reform. However, as in the case with protracted emphasis on fighting corruption and crime, high degree of centralization of the police prevented it from detaching the institution from the incumbent government. While high centralization is vital at the initial stage of the reform, especially in contexts similar to Georgia, its following relaxation could have allowed for greater focus on the major institutional purpose of the police.
- Ensuring proper tax collection, which stood at extremely low level before the Saakashvili government came to power, was another significant element of the state building process. It also facilitated the success of the police reform in as far as increase of salaries of the police members and meritocracy based recruitment and promotion processes were concerned. Moreover, since Georgia is not rich in export commodities such as natural resources, the functioning of the state to a large extent depends on tax collection, which



provides an important link of accountability between the government and the public. Thus, the popular government of Saakashvili that came to power with overwhelming public support, had an incentive to secure tax collection, while remaining accountable to citizens by dispensing collected taxes to legitimate purposes, such as building effective and citizen-centric institutions.

- From the point of view of institutional integrity, 'low policing', despite instances when it was used to ensure political interests of the incumbent government, appears to remain true to its purpose. High policing, on the other hand, did not stand the test of institutional integrity. This may suggest that less complex institutions which are easier to reform through drastic measures and achieve more effectiveness in a short timespan, as in the case of Georgia, have a higher chance to sustain themselves through various circumstances and comply with institutional integrity.

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