

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA to Apply to the Council of Europe Committee of Ministers

Regarding the Issues of Granting Compensation to Victims of Repression

GYLA and the European Human Rights Advocacy Center (EHRAC) will present their submission about enforcement of the judgment delivered by the ECHR in Klaus and Yuri Kiladze v Georgia.

For the purpose of enforcement of the February 2, 2010 judgment delivered by the ECHR in Klaus and Yuri Kiladze v Georgia, legislative amendments were made in May 2011, delegating Tbilisi City Court with the authority to consider the issue of granting

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compensation to victims of repression and their first generation heirs and to determine the amount of compensation.

[GYLA and EHRAC have already applied once the CoE Committee of Ministers](#) by submitting their communication on May 30, 2011. The organizations were requesting the Committee of Ministers to continue monitoring of enforcement of the ECHR's judgment in the Kiladze case, which would have established practice of application of the legislative amendments by national courts and afterwards, the Committee of Ministers would have been able to evaluate whether the laws were implemented in due course.

Although the legislative amendment adopted by the Parliament of Georgia is certainly a step forward for ensuring realization of rights of victims of repression and their first generation heirs that remained unrealized for over the years, practice of the amendment has revealed a number of issues that should be addressed.

Study of Tbilisi City Court's practice by GYLA with respect to cases involving compensation claims revealed a number of issues that question effective enforcement of the ECHR's judgment. Specifically,

- Delegating Tbilisi City Court with the exclusive authority to consider the issue of granting compensation to victims of repression questions access of beneficiaries living in the regions to court, frequently in view of their age, health and financial conditions;
- Furthermore, as of September 2011, there were more than 3 thousand claims filed in court, while the Court had delivered judgments in 73 cases only, which highlights the fact that Tbilisi City Court is overloaded and it hinders consideration of cases and delivering resolutions in due time;
- Tbilisi City Court continues to find unsubstantiated flaws in applications that serve as grounds for their inadmissibility;
- Compensations granted by the Court are unjustifiably low and fail to live up to goals and requirements of implemented legislative amendments;
- Issuance of enforcement paper in decision of Tbilisi City Court that have come into force are delayed.

Together with the European Human Rights Advocacy Center, GYLA will provide Committee of Ministers with detailed analysis of the noted issues and corresponding

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recommendations that we believe will ensure effective enforcement of the ECHR's judgment in the Kiladze case.

Attached is the full text of the communication.