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ANNUAL REPORT 2011

**RULE  
OF LAW  
FOR JUSTICE**



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EUROPEAN HUMAN RIGHTS ADVOCACY CENTRE  
EHRAC

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Dear Friends,

It is a great honor and responsibility for me to address you in my capacity as a Chairperson of Georgian Young Lawyers' Association on the seventeenth year of GYLA's existence.

Another year has passed for GYLA, which has been difficult yet successful as always. In this report you will find detailed information about our work throughout 2011 and the results achieved. Everything that you will read about in this report is the result of the committed work of every single employee of GYLA, and, therefore, I would like to extend my special gratitude to them.

During the reporting year, we continued to work closely in line with the Strategy adopted by the general meeting. It goes without saying that the organization primarily acted as a watchdog for human rights and the rule of law. It is noteworthy that number of beneficiaries of our legal assistance is increasing on a yearly basis, which first of all is the result of high public confidence in GYLA.

Strategic litigation that we have pursued in both the Constitutional Court of Georgia and the European Court of Human Rights is one of our most important activities. The European Court of Human Rights has granted claims in two of our important applications this year.

We carried out significant work for raising public awareness on IDP rights, labor and property rights, domestic violence. Equally important is the work of GYLA throughout Georgia for promoting active citizen engagement and participation in the work of the local authorities.

I believe that our work for promotion of effective governance has proved to be rather successful. GYLA's operative work related to changes in the election law has already had a positive effect on improvement of election environment and we intend to continue our work in this direction.

By means of our cooperation with other organizations and coalitions we have achieved some positive results for improvement of media law. Currently we are intensely working for elimination of problems in the judicial system.

Against a very difficult background, we managed to effectively participate in legislative



process. Although due to excessively accelerated pace of the Parliament this mission is unattainable at times, it is safe for me to say that GYLA is always at its best and manages to submit its expert opinions to parliament and public.

One of the most important directions that Georgian Young Lawyers Association has focused on is promotion of legal education and professional qualification – which also remains to be a priority. We have a high number of applicants for GYLA's school of law and for internships at office of GYLA. I believe that the young people that join and strengthen GYLA by means of respecting fundamental values that GYLA has derived from, are the biggest wealth that we have.

Now that I talk about successes that GYLA has achieved, I cannot help but remember the great difficulties that we went through last year, including the May 26 developments when employees of GYLA worked 24 hours a day for several weeks in a row. We were targets of a number of aggressive and unethical attacks related to these issues. However, it is safe for me to say that difficulties that we went through did not hinder our development in any way. To the contrary, these difficulties provide an impetus for us to strive forward; they make us stronger and more experienced.

With respect,

Tamar Chugoshvili

Chairperson

Georgian Young Lawyers' Association

## MISSION STATEMENT OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

On 31 October 2010, the General Assembly of the Georgian Young Lawyers' Association approved a Strategy for 2011 - 2014 and an Action Plan for the 4 subsequent years. The Association continues to work towards the achievement of its Charter purposes and strategic goals based on these documents.

In accordance with our Charter and our established tradition, we are pleased to submit a Report on the activities carried out by the offices of the Georgian Young Lawyers' Association in Tbilisi and 7 regions of Georgia in the year 2011 (reporting period starting 1 October 2010 and ending 1 October 2011).

The structure of the Report, as in the previous years, is based on 4 strategic goals:



1. PROTECTION OF HUMAN RIGHTS, DEVELOPMENT OF LEGAL REMEDIES AND ENSURING ACCESS WITHOUT DISCRIMINATION
2. RAISING THE LEGAL AWARENESS OF THE PUBLIC AND ESTABLISHING RESPECT FOR THE RULE OF LAW
3. PROMOTING AN EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT
4. QUALIFIED AND CONTINUOUS LEGAL EDUCATION AND DEVELOPMENT OF THE LEGAL PROFESSION

Our motto:

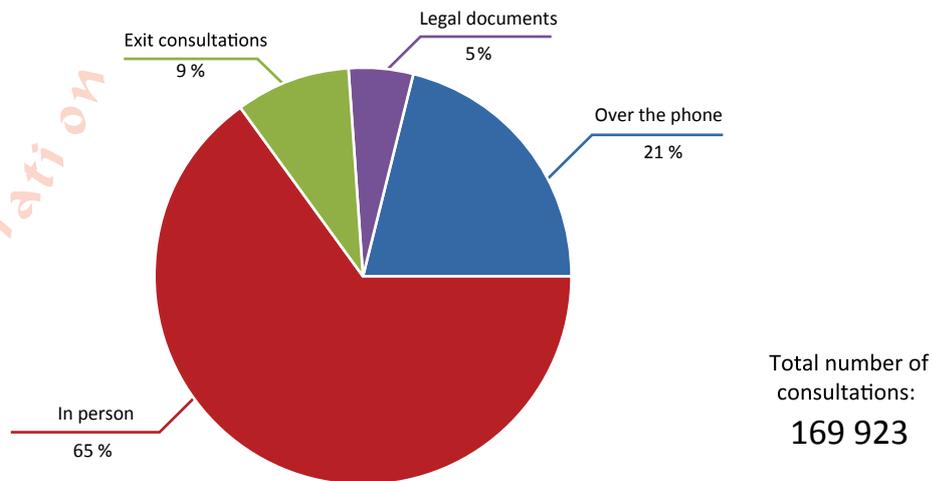
## **RULE OF LAW FOR JUSTICE**

## PROTECTION OF HUMAN RIGHTS, DEVELOPMENT OF LEGAL REMEDIES AND ENSURING ACCESS TO THEM WITHOUT DISCRIMINATION

One of the major undertakings for GYLA in the reporting period was, as usual, provision of free-of-charge legal assistance to the public. Our target groups, as in previous years, have been socially vulnerable citizens, journalists, internally displaced persons (IDPs), prisoners, etc. Legal assistance provided included activities such as in-person and over-the-phone legal consultations, drafting of legal documents and attorney services.



GYLA's offices in Tbilisi and the 7 regions of Georgia issued a total of 169,923 legal consultations in the reporting period, exceeding the number of the previous year by 36,204.



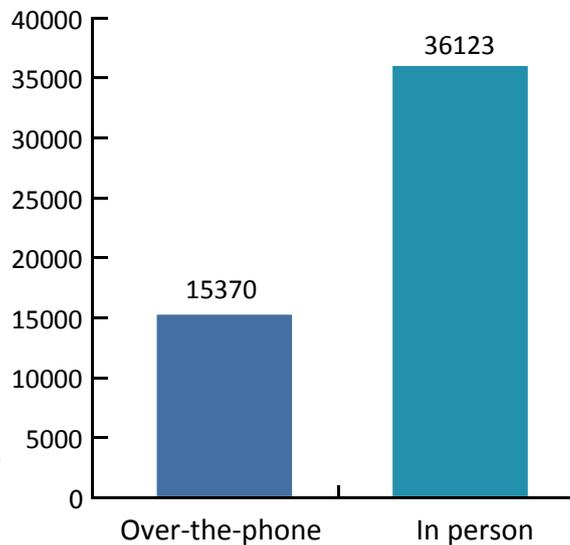
One of the reasons for the increased number of consultations was GYLA's active and purposeful work towards assisting victims of political repression and their heirs. For example, during the 2010 reporting period GYLA successfully litigated the case of Klaus and Iuri Kiladzes v. Georgia in the European Court of Human Rights. In order to enforce the judgment, the Georgian Parliament adopted legislative amendments on 19 April 2011 enabling victims of political repressions and their primary heirs to have moral damages reimbursed by means of legal filings in the Tbilisi City Court. To promote this goal, GYLA published a public announcement offering any beneficiaries its free-of-charge legal assistance to obtaining their entitled damages. As a result, a significant number of beneficiaries have addressed GYLA's offices in Tbilisi and in the regions, with 22,577

resulting legal consultations and the preparation of 1,428 legal documents on matters concerning victims of political repressions alone.



## LEGAL CONSULTATIONS AND LEGAL DOCUMENTS

The Legal Aid Center of GYLA's Tbilisi Office conducted **51,493** legal consultations and drafted **2,453** various legal documents during the reporting period.



### Consultations by topics: Attorney services



GYLA's Tbilisi Office took the lead on 33 civil cases, 74 administrative cases and 68 criminal cases throughout the reporting period.

As of 1 October 2011, the Tbilisi Legal Aid Center had the following number of pending cases:

- 51 administrative law cases;
- 16 civil law cases;
- 30 criminal law cases.

GYLA's regional offices similarly continued to provide legal assistance to socially vulnerable groups during the reporting period. The assistance provided included, in addition to other activities, exit meetings with the local population through auto-tours.

The following statistics shows information on the legal assistance provided by GYLA's regional offices to various beneficiaries:



Regional offices	Over-the-phone consultations	Consultations in person	Exit consultations	Media consultations	Total
Kutaisi	11217	25998	3221	24	40460
Gori	1541	20912	7269	286	30008
Rustavi	1536	2143	851	22	4552
Ozurgeti	434	4461	1409	58	6362
Telavi	491	4216	756	11	5474
Achara	4496	14497	1329	74	20396
Dusheti	456	1380	837	---	2673

Legal documents:

Regional offices	Achara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Documents	2066	1120	1792	411	644	209	199	6441

Representations before administrative and judicial bodies:

Regional offices	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Achara	Dusheti	Total
Total number of cases	176	45	20	73	49	27	16	406
Administrative law	46	30	3	10	5	24	6	124
Criminal law	32	12	8	26	33	2	7	120
Civil law	98	3	9	37	11	1	3	162
Successful cases	43	3	5	40	12	23	4	130

### SUCCESSFUL CASES

Attorneys from GYLA's Legal Aid Centers continued to provide free-of-charge attorney services to socially vulnerable members of the population (as determined by the eligibility criteria approved by GYLA's governing board) during the reporting period. It should be noted that successful results in administrative and criminal cases in our courts remain a hard task. For this reason, many interesting cases, which, due to their factual and legal circumstances, should have been on the below list, were ultimately unsuccessful. Nevertheless, we managed to accomplish a number of important cases in favor of our clients:

1. We provided legal aid to victims of domestic violence; as a result, they have been accommodated in a shelter for victims of domestic violence.
2. In a series of cases, we assisted citizens in having the Social Services Agency re-evaluate their families' socio-economic status and restore payment of social support to them.
3. With GYLA's help, up to 60 children were awarded child support until they reach the age of adulthood.
4. In several cases, we managed to restore our clients' ownership rights to land plots unlawfully confiscated by the State.
5. In several cases, GYLA helped our clients in having the court find a person as legally "incapable" (civil incapability) and appoint a legal guardian and grant entitlement to a State pension.
6. As a result of GYLA's involvement, dozens of socially vulnerable families were released from the obligation to pay unlawfully charged utilities costs.
7. In a series of cases, GYLA's attorneys helped juveniles obtain a State pension for the loss of a breadwinner.
8. With GYLA's active involvement, the court satisfied our motion to determine the validity of certain title documents for our clients; as a result, our clients were able to register their title to immovable property in the Public Register.
9. We assisted citizens in having a State pension granted according to the law.
10. We assisted local non-governmental organizations in drafting their founding documents.

11. In dozens of cases, we assisted citizens in having outstanding salaries paid.

As an illustration, we have included a list of cases that were successfully litigated due to the activeness and devotion of our attorneys:

### CIVIL LAW CASES

- With the assistance of GYLA's Rustavi Office, the Gardabani District Court upheld R.N.'s motion to have physical injuries he sustained as a result of a car accident compensated; the defendant, B.D., was ordered to pay 1,298 Lari in compensation.
- With the assistance of GYLA's Achara Office, the Batumi City Court upheld L.V.'s motion and ordered the defendant, I.O., to pay 3,902 Lari to the plaintiff in compensation for serious physical injuries sustained due to a gross violation of traffic safety rules by I.O.
- GYLA provided legal assistance to citizen M.G. who was forcibly displaced and lost his identification documents during the August 2008 war. By decision of a court, M.G.'s birth registration was verified, that being the only way to have his identification documents restored.
- GYLA provided legal assistance to a disabled person, I.G., who was sued by his neighbor. The neighbor was asking the court to order the dismantling of a building I.G. erected without permission. By decision of the court, the neighbor's claim was rejected and the building, which was built to meet the special needs of I.G.'s disability, was saved from demolition.
- GYLA rendered legal assistance to A.N. whose father has died and who has been abandoned by his mother. A.N. has been raised by his grandmother since his childhood. With GYLA's assistance, the court appointed a legal guardian (caretaker) for A.N. In addition, through the court decision, a problem regarding A.N.'s identification documents was resolved - a problem that had been unresolved for years and had been impeding the child's educational progress.
- With GYLA's assistance, the court ordered "The Georgian University of International Relations" Ltd to restore L.B. to his job and pay 1,540 Lari in lost wages for the period of L.B.'s dismissal as a result of his unlawful dismissal. In addition, the court found the internal act of the University dismissing L.B. to be void.
- GYLA provided legal assistance to Zh.M. who had no place to reside. A company had assumed the responsibility to build him a residential apartment but had been failing to meet its obligations for years. GYLA defended Zh.M.'s interests three court proceedings. Eventually, the company was ordered to pay USD 34,875 and to reimburse Zh.M.'s court fees and expert's examination costs.
- GYLA assisted T.D., a mother of two whose spouse had died. With GYLA's involvement, T.D. inherited her spouse's property - a share in a co-owned residential house which the other co-owners were hindering her from using. The court decision also clearly separated T.D.'s share from the other co-owners' shares in the house.

## ADMINISTRATIVE LAW CASES

- With the assistance of GYLA's Kutaisi Office, the Kutaisi City Court found Sh.R. to be a lawful tenant in a residential apartment. On the basis of the said court decision, the Kutaisi Town Hall issued an ownership certificate to Sh.R and transferred the residential apartment into Sh.R.'s ownership free of charge.
- With the involvement of GYLA's Rustavi Office, the Rustavi City Court ordered the Ministry of Interior's Service Agency to register 8 vehicles as the property of the plaintiff, "Kavkasioni" Ltd.
- With the assistance of GYLA's Achara Office, the Georgian Revenue Service fully upheld the complaints of citizens A.B., Ts.S. and L.Kh. against the Sarpi customs checkpoint. As a result, the prohibition of these citizens of crossing the border was lifted and they received their confiscated items back.
- With the assistance of GYLA's Dusheti Office, N.J. was able to register an immovable piece of property he acquired at an auction as his personal property, which had previously been impossible due to lack of appropriate documents.
- With the assistance of GYLA's Gori Office, the Tbilisi City Court ordered the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to grant IDP status to citizens M.G., N.G., T.G., L.G., Z.G., N.K., G.G. and T.G. who had been forcibly displaced from their regular place of residence as a result of the August 2008 war.
- On 30 November 2008, police officers D.G. and G.D. arrested citizen Z.M. (for resisting arrest). They then handcuffed Z.M. and put him in a special police car. While transporting the arrestee, a car accident resulted in the death of the arrestee. Z.M. left behind a spouse and two underage children. With GYLA's assistance, Z.M.'s spouse lodged an administrative lawsuit with the court. The court ordered the Ministry of Interior to pay 500 Lari to each of Z.M.'s underage children on a monthly basis until they reach the age of adulthood and a one-time compensation in the amount of 12,000 Lari.
- Citizen V.M. was sentenced by the Tbilisi City Court to 60 days of administrative detention on the grounds of having committed offences under Articles 173 and 166 of the Administrative Offences Code. GYLA's attorney appealed the decision to the Appeals Court; eventually, V.M. was sentenced to administrative detention for 4 instead of 60 days.
- With the help of GYLA's attorney, the court cancelled a resolution of the Supervision Service of the Tbilisi Town Hall that unlawfully fined citizen N.G. 13,000 Lari for unauthorized construction.
- Citizen L.Dz. had been awarded victim status as a result of an earthquake that took place on 25 April 2002. According to the protocol of the Fund for Liquidation of the Earthquake Consequences, L.Dz. was on the list of families to receive a residential space as a result of his losses. On the basis of the protocol, L.Dz. was allocated a three-room apartment for temporary use; however, L.Dz. was never able to physically enter that apartment. For years after the earthquake, L.Dz. continued residing in his severely damaged apartment building at risk of life and health. GYLA provided L.Dz. with attorney services in three court instances. By final decision of the court, the defendant was ordered to transfer a three-room apartment to L.Dz.'s use.

- GYLA provided attorney services to citizen L.Kh. who had been disabled since childhood. L.Kh. had therefore received a State pension for his disability on a monthly until 2008 when the pension was unlawfully suspended by the Social Subsidies Agency. The Agency refused to pay out the year of missed pension to L.Kh. With GYLA's assistance, the court ordered the Agency to pay the entire outstanding sum to L.Kh..
- G.M. served in a peacekeeping mission in Iraq where he was injured by a handmade explosive. An illness that developed following the explosion served as a basis for G.M.'s dismissal from military service. With GYLA's assistance, the court ordered the Ministry of Defense to pay a one-time assistance of 3,000 Lari and a one-time compensation for dismissal in the amount of 432 Lari.
- GYLA provided legal assistance to citizen M.B. who was seeking a finding that the area he occupied had no legal owner by devolution as well as recognition of his ownership right to the area on the basis of the "Law of Georgia on Relations arising out of Occupying a Residential Space". With GYLA's assistance, M.B. won the case against the Ministry of Economy and Sustainable Development. The court ordered the Ministry to transfer, free of charge, an ownership right to a residential area of 41 square meters, a non-residential area (a basement) of 29,65 square meters and an additional area (an attic) of 18,61 square meters located in Tbilisi to plaintiff M.B.
- With GYLA's assistance, after years of judicial disputes, the Supreme Court left in force the decision of the Vake-Saburtalo District Court delivered in 2004 transferring title to a residential apartment to citizen T.B.
- GYLA provided attorney services to citizen D.P., who was arrested on 27 May 2011 on the grounds of having committed offences under Articles 166 (petty hooliganism) and 173 (gross disobedience with a lawful demand of the police) of the Administrative Offences Code. On 27 May, D.P. addressed the President with the following words: "Murderer, jerk, inhuman", which became the grounds for his arrest. Although the arresting officer requested a 90-day detention order, the court released D.P. and confined itself only to making an oral warning.
- GYLA provided attorney services to citizen E.M. who was hit in the face by a Ministry of Interior official, O.G., when the police were breaking up a war veterans' rally on 3 January 2011. At the trial, the parties reached an amicable settlement pursuant to which the defendants (the Ministry of Interior and its official O.G.) assumed the obligation to pay 4,000 Lari each (8,000 Lari in total) to E.M. as compensation for moral damages inflicted.

## CRIMINAL LAW CASES

- GYLA's Kutaisi Office provided legal assistance to N.A., who was charged with the commission of a crime under Article 186 of the Criminal Code (purchase of the fruits of a crime with advance knowledge thereof). With GYLA's involvement, the Kutaisi City Court acquitted N.A., cancelled the restrictive measure and released him immediately from the courtroom.
- With the assistance of GYLA's Ozurgeti Office, underage A.T. who was accused of the commission of a crime under Article 2381(1) of the Criminal Code (carriage of a non-firearm by a person under 21) was fined with the minimum amount of 500 Lari by a judgment of the Ozurgeti District Court of 30 December 2010.
- Citizen R.R. had been prosecuted by the Kvemo Kartli Unit of the Ministry of Interior's Patrol Police Department for a crime under Article 381 of the Criminal Code (incompliance with a final judgment of a court). With GYLA's assistance, the Rustavi City Court, by its judgment

of 30 June 2011, ordered R.R.'s imprisonment for 1 year but released him from serving the sentence and imposed instead a 2-year probation period on the basis of Article 64 of the Criminal Code.

- With the assistance of GYLA's Ozurgeti Office, a criminal prosecution against N.K. and D.T., former traders at an agricultural marketplace, was terminated at the pretrial investigation stage. They were suspected of having committed a crime under Article 226 of the Criminal Code (organizing a group activity that violates public order).
- GYLA provided legal assistance to G.G., a disabled and socially unprotected citizen who was accused of the commission of a crime under Article 177(2)(b) of the Criminal Code (theft by means of entering a building illegally). By a judgment of the Mtskheta District Court G.G. received a conditional sentence of 6 years.
- With the assistance of GYLA's Telavi Office, B.K., who was accused of a crime under Article 360 of the Criminal Code (an arbitrary action that caused significant damage) received a 1 year conditional sentence by the Telavi District Court.
- 16-year old B.K. was accused of committing a theft and risked a sentence of imprisonment for 4 to 7 years. GYLA's attorney obtained and presented evidence mitigating his guilt. As a result, a plea agreement was concluded and B.K. was sentenced to 6 months imprisonment. On 18 December 2010, B.K. was discharged from the penitentiary.
- K.T. was accused of committing a crime under Article 2381 of the Criminal Code (carriage of a non-firearm by a person having a previous conviction). With GYLA's assistance, a plea agreement was concluded and K.T. received only a fine in the amount of 500 Lari.

## STRATEGIC LITIGATION IN THE EUROPEAN COURT OF HUMAN RIGHTS

During the reporting period, we paid special attention on aiming our strategic litigation at promoting the freedom of journalists to receive and disseminate information in the course of carrying out their professional activities. As we learned, these freedoms are being narrowly interpreted by courts, and the public interest in the information requested by journalists is not taken into consideration by judicial organs when making



these determinations. We also identified the need to carry out strategic litigation in instances of violations of property rights by the State.

As in the previous year, occurrences of infringements upon the right to peaceful assembly and protest remained on the agenda. Another pressing issue was the inhuman and degrading conditions in penitentiary institutions for persons kept in administrative detention.

In addition, our strategic litigation lawyers continue to work on cases related to violations of human rights as a result of the 2008 Russian-Georgian armed conflict. As a result, violations of property rights and unlawful deprivations of liberty in the vicinity of the so-called administrative border with Ossetia will be discussed separately.

### Work carried out during the reporting period:

- **Consultations**

GYLA provided legal consultations to 230 citizens on the procedures for addressing the European Court of Human Rights and violations of individual provisions of the European Convention.

- **Litigation**

GYLA lodged 17 applications with the European Court during the reporting period.

#### 1. *Asatiani and others v. Georgia (Application No. 42174/11)*

The case concerns the unlawful breakup of a war veterans' rally by the police on Heroes Square on 3 January 2011 where law enforcement officials physically assaulted three rally participants. 10 others were unlawfully arrested and received 400-Lari fines each under administrative rules. Although there has been much evidence in the case (including video material) confirming that the applicants did not violate the law, the national courts ruled against the applicants. The application lodged with the European Court refers to violations of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 10 (the freedom of expression) and 11 (the right to peaceful assembly and association) of the Convention.

#### 2. *Chikashvili and others v. Georgia*

The case concerns a violent breakup by law enforcement officials of a rally in front of the Ministry of Corrections and Legal Assistance on 25 March 2011. The applicants were arrested and charged with having resisted the police; however, video footage shows that, in reality, there was no resistance on the part of the applicants - who were arrested after they complied with the law enforcement officials' demand to free a thoroughfare. The case also concerns the inhuman treatment of the applicants due to improper conditions existing in the facility where they were detained under administrative rule. The application addressed to the European Court refers to violations of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 10 (the freedom of expression) and 11 (the right to peaceful assembly and association) of the Convention.

#### 3. *Mikiashvili v. Georgia (Application No. 18865/11)*

The case concerns the refusal by the Ministry of Corrections and Legal Assistance to provide journalist N. Mikiashvili with information regarding in which penitentiary institution the person convicted for G. Sharadze's murder was serving his sentence. Ms. Mikiashvili was refused the right to have the claim satisfied in the national courts. She asserts that the said information was of a high public interest at the time she was asking for its release since there were various speculations about an alleged release of the convicted person from serving the sentence. However, both the penitentiary institutions and national courts unanimously claimed that the mentioned information was personal information and, therefore, journalists had no right to have access to it. The national courts delivered their judgments without even having discussed the issue of the high degree of public interest in the requested information. The application sent to the European Court refers to violation of Article 10 of the European Convention

(the freedom of expression), since the applicant was not allowed, within her professional capacity, to receive and disseminate information that was an object of high interest on the part of the public.

4. *Amaglobeli and others v. Georgia (Application No. 41192/11)*

The case concerns the impediment of journalists' work by representatives of state authorities. The applicants - journalists from the newspaper "Batumelebi" - were interviewing importers in the customs clearance hall at the Sarpi customs control zone. In particular, they were asking interviewees to what extent they were satisfied with the customs procedures and whether they have encountered any violations of the law. The journalists were audio-taping the interview process. However, customs officials did not let the journalists finish their work. They evicted the journalists from the hall and, after charging an administrative offence, fined each of them 1,000 Lari on the grounds of non-compliance with a demand of a customs official representative. The applicants lost their cases in domestic courts. The application submitted to the European Court refers to undue interference by State authorities with the professional work of journalists and disproportionate sanctions used by the State representatives against the journalists. The journalists assert that there has been a violation of Article 10 of the European Convention, which guarantees the right to receive and disseminate information on issues of high public interest.

5. *Studio "Reporter" and V. Komakhidze v. Georgia*

The case concerns a refusal by the State to provide a journalist with information on a subject of public interest. In particular, Studio "Reporter" requested the Ministry of Justice to provide information concerning premiums (reward benefits) paid by the Ministry to its officials for the period from 2004 until the date of request (2009). The Georgian legislation in force does not regulate the payment of such premiums to public officials or their rates. The applicant is of the view that society has the right to know what sums are spent from the State Budget to pay out premiums to public officials. However, according to the interpretation adopted by national courts, a premium, unlike an official salary, constitutes personal data falling within the notion of private information and such information may be disclosed to third parties only on the basis of written consent thereto on the part of the relevant public official. The application sent to the European Court refers to violation of Article 10 of the Convention.

6. *Imnadze v. Georgia (Application No. 15565/11)*

The case concerns recognition of an ownership right on the basis of the "Law of Georgia on Recognition of Ownership Rights to Land Plots Possessed (Used) by Physical Persons and Private Law Entities." The main issue in this case is the incorrect application of the principle of retroactivity of laws by the Commission for Recognition of Property Rights and later by national courts, which resulted in violation of the applicant's property rights to a land plot he has been occupying for more than 20 years. The application to the European Court refers to violation of Article 1 of Protocol No. 1 to the European Convention (the right to property) as well as Article 6 of the Convention, for failure to deliver a reasoned court decision and for violation of the principle of legal certainty.

7. *Akubardia v. Georgia*

In this case, applicant Soso Akubardia asserts that there have been violations of Article 1 of Protocol No. 1 to the European Convention (the right to property) and Article 6 of the European Convention (the right to fair trial) in relation to him. On 6 December 2009, the State registered the applicant's land, located in Ergeta village in the Zugdidi District, and totaling 47, 92 hectares, as State property before selling it to an investor - "Anaklia Port" Ltd - thereby ignoring Soso Akubardia's rights to his land, which he registered on 29 November 2007 in compliance within the rules of applicable legislation.

Prior to 6 December 2009, the Public Register had issued several copies of the land plot registration certificates, all of which indicated that the land plot was registered to the applicant. However, later, at the stage of judicial proceedings, the Public Register asserted that the applicant's property was unregistered because the applicant had presented a hardcopy of a cadastral measurement drawing and not an electronic version thereof. Relying on this, the Public Register stated that it was impossible to compare the hardcopy of the cadastral data with the electronic version which the State submitted to the court. The interpretation applied by the Public Register points to the lack of legal remedies available to the applicant and other real property owners in the country.

8. *Chumburidze v. Georgia (Application No. 68101/10)*

The case concerns alleged violations of Article 6 of the European Convention (the right to fair trial) and Article 1 of Protocol No. 1 to the European Convention (the right to property). Specifically, the national courts heavily violated national procedural rules while trying a civil dispute concerning the unjust enrichment of the State in the amount of 119,353 Lari, at the expense of by "Megobroba" Ltd, in regards to certain repair and construction work. In addition, while hearing the applicant's case, the national courts violated the requirements of Article 6 of the Convention concerning legal certainty, independence and impartiality of judges, trial within a reasonable time and delivery of reasoned judicial decisions. Furthermore, disciplinary and criminal proceedings were commenced against a number of judges involved in trying the applicant's case as a result of the above violations, including N. Kvantaliani (currently a judge of the Supreme Court), N. Zarkua (currently a judge of a city court), L. Mskhiladze (a former judge) and Sh. Kvaratskhelia (a former judge). A Parliamentary ad hoc Investigative Commission revealed criminal elements in the actions of 16 judges in this case but none of these decisions and assessments have been followed with any actual result.

9. *Gvaradze v. Georgia (Application No. 7025/11)*

The case concerns the termination of compensation payments by the State in the form of monthly support for physical injuries the applicant sustained while performing official duties. In particular, the State stopped payment of monthly support to the applicant as a result of new rules regarding compensation for physical injuries. The applicant addressed the European Court with a request to find that there has been a violation of Article 1 of Protocol No. 1 to the European Convention.

10. *Kapanadze v. Georgia (Application No. 29460/11)*

The case concerns the unlawful conviction of Kote Kapanadze, presumably due to his and his brother's political activities. The applicant asserts that he is a victim of arbitrary accusations because the crime he is charged with is not envisaged either by the law or by relevant administrative or judicial practice. A selective approach was clearly pursued in the investigation of the case, and the court tried the applicant in violation of the principle of the equality of arms. The application sent to the European Court refers to violation of Article 7 (nulla poena sine lege) and 6 (the right to fair trial) of the European Convention as well as violation of Article 14 (prohibition of discrimination) in relation to Articles 7 and 6.

11. *Kalandia v. Georgia (Application No. 57255/10)*

The case concerns a criminal case against Tengiz Kalandia. According to a conviction in the Zugdidi District Court dated 7 October 2009, the applicant committed the crime of the unlawful purchase and storage of a large amount of narcotics. The court sentenced the applicant to 18 years imprisonment. The applicant argued before the national courts that he had not committed the incriminating conduct and that police officers "implanted" the drugs while they were searching his person. The applicant states that, in fact, he was detained in April 2009, ahead of protest rallies planned by the political opposition, due to his friendship with Vladimer Vakhania, a leader of an opposition political party.

The applicant's person was search without a court warrant even though the investigating authorities had at least 9 hours to obtain a court sanction for conducting the search procedure. During the search, the applicant was denied a request to invite attendees. The prosecution's only evidence is the statement of police officers who were directly involved in the applicant's arrest and search and who, at the same time, were in charge of investigating the criminal case against him. Further, the statements given by the police officers at the trial stage contain many inconsistencies as to facts having material importance. The application addressed to the European Court refers to violation of Articles 6 (the right to fair trial), 7 (nulla poena sine lege), 8 (the right to respect for private and family life) and 13 (the right to effective legal remedies) of the European Convention.

#### 12. *Giorgi Gevorkian v. Georgia*

The case concerns a criminal case against Giorgi Gevokrian. The applicant was convicted of theft and causing the destruction of or significant damage to others' property. Based on his cumulative sentence, he received a total of 10 years and 9 months of imprisonment. The investigation and judicial proceedings of the applicant's case at the national level were held in violation of the requirements of Article 6 of the European Convention. For instance, the conviction is mostly based on statements of victims and witnesses which are self-contradictory and incompatible with the material facts of the case. Furthermore, the applicant asserts that during the trial and, in particular, during the examination of crucial evidence, the principle of equality of arms was violated.

#### Cases related to the August 2008 armed conflict

During the reporting period, in partnership with the Russian Justice Initiative, we continued to work on cases involving victims of the August 2008 war. As a result, communication with the respondent State is already underway on several cases sent to the European Court against Georgia (*Sipols v. Georgia*, Application No. 8336/09, *Bekoeva v. Georgia*, Application No. 4834/08 and *Tekhova v. Georgia*, Application No. 50669).

Human rights protection on territory in the vicinity of the so-called Georgia - South Ossetia administrative border became a special problem during the reporting period. As cases concerning arbitrary deprivation of liberty and infringement upon property rights fall within the scope of our strategic litigation interests, in this regard, several applications are already before the European Court.

#### 13. *Korashvili v. Georgia and Russia (Application NO. 17442/11)*

The applicant was arrested by Russian military personnel when he was within his own yard in Village Dvani, which is located close to the so-called administrative border. During his several-day detention in Tskhinvali, he was told many times not to return to his place of residence because the place was now a part of South Ossetian territory. The application submitted to the European Court refers to violation of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 8 (the right to respect for private and family life), 13 (the right to legal remedies) and 14 (prohibition of discrimination) of the Convention and Article 1 of Protocol No. 1 to the European Convention (the right to property). The application was submitted against two respondent States because, on the one hand, the Russian Federation directly violated the applicant's rights and, on the other hand, Georgia did not take all necessary measures to protect the rights of Georgian citizens, including the applicant, on the territories around the so-called administrative border.

14. *Biganishvili and others v. Russia (Application No. 59827/10)*

The case concerns the arrest of 4 ethnic Georgians by Russian and Ossetian armed personnel and their subsequent unlawful detention in Tskhinvali prison where the applicants were accused of unlawful border-crossing. The applicants were freed as a result of the involvement of the European High Commissioner on Human Rights in May 2010. The application sent to the European Court refers to violation of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 8 (the right to respect for private and family life), 13 (the right to legal remedies) and 14 (prohibition of discrimination) of the Convention.

15. *Ikaev and others v. Georgia*

The case concerns the disappearance of R. Ikaev in August 2008 after he was apprehended by Georgian soldiers in an Ossetian village. The case also concerns the unlawful arrest and inhuman treatment of S. Lokhov and A. Bazaev. There is video footage in the case materials clearly showing that R. Ikaev, together with another person of Ossetian ethnicity, are kept in detention by the Georgian soldiers. We have obtained witnesses' statements confirming that R. Ikaev was detained at a Georgian military base after which no one has seen him. Based on complaints GYLA lodged with the Georgian Main Prosecution Office, the Office launched an investigation into R. Ikaev's disappearance and the ill-treatment of A. Bazaev and S. Lokhov. However, in the application submitted to the European Court, we are arguing that the ongoing investigation is ineffective for several reasons. The application refers to violations of Articles 2 (the right to life), 3 (prohibition of torture and inhuman treatment) and 5 (the right to liberty and security of person) of the Convention both against the applicants and R. Ikaev's spouse and mother.

16. *Midelashvili v. Russia*

J. Midelashvili remains unlawfully detained in Tskhinvali prison. He was apprehended in Akhlagori in Autumn 2009 by ethnic Ossetians. Mr. Midelashvili used to be the Chief of Akhlagori Police in the 1990s and in that connection he has been accused by Tskhinvali of complicity in the abduction and murder of ethnic Ossetians. However, others have already been convicted and are serving sentences for the specifically alleged crimes. The application addressed to the European Court refers to violation of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 8 (the right to respect for private and family life), 13 (the right to legal remedies) and 14 (prohibition of discrimination) of the European Convention.

17. *Akhvlediani and Takadzes' v. the Russian Federation*

Akhvlediani was arrested by Ossetian and Russian soldiers near the so-called Georgia - South Ossetia administrative border, for unlawful border-crossing. South Ossetian de facto courts sentenced M. Akhvlediani to 1 year of imprisonment. He served his sentence in Tskhinvali prison.

V. and B. Takadzes' were also arrested by Ossetian and Russian military personnel when they were hunting in the forest in the vicinity of the so-called administrative border. They spent more than a year in Tskhinvali prison. First they were accused of unlawful carriage of firearms and unlawful crossing of the border; however, eventually, the South Ossetian de facto courts tried them for unlawful border crossing only. All of the three applicants were released in February 2011. The application sent to the European Court refers to violations of Articles 3 (prohibition of torture and inhuman treatment), 5 (the right to liberty and security of person), 6 (the right to fair trial), 8 (the right to respect for private and family life), 13 (the right to legal remedies) and 14 (prohibition of discrimination) of the European Convention.

- **Successful cases**

On 15 February 2011, the European Court delivered its judgment in a GYLA-led case - Tsintsabadze v. Georgia (Application No. 35403/06).

The European Court found that there had been a violation of Article 2 (the right to life) of the European Convention on Human Rights because in 2005, no independent, objective and effective investigation was carried out into the circumstances of the death of the applicant, the son of Zurab Tsintsabadze.

According to the judgment, the Georgian Government is to pay the applicant 15,000 Euros for moral damages and 4,000 Euros for litigation costs.

After the judgment of the European Court became final, the investigation in the case of Z. Tsintsabadze's death was resumed.

- **Regional meeting of strategic litigation lawyers**

In May 2011, the Human Rights Protection Center (EHRAC) and the Georgian Young Lawyers' Association organized a regional meeting of strategic litigation lawyers. Up to litigation lawyers from Georgian, Azerbaijani, Armenian, Russian, Moldovan and British non-governmental organizations attended the meeting. The goal of the meeting was to share experiences, exchange views on similar (and different) problems and establish links among colleagues.

## LITIGATION IN THE CONSTITUTIONAL COURT

During the reporting period GYLA addressed the Georgian Constitutional Court with 3 lawsuits. In addition, one lawsuit still pending before the Court had been filed in the previous reporting year. In total, the Constitutional Court is reviewing 4 lawsuits from the Georgian Young Lawyers' Association.



### Constitutional lawsuits filed in the reporting period

1. *David Mikheil Shubladze v. the Parliament of Georgia*

On 6 May 2011, GYLA addressed the Georgian Constitutional Court on behalf of David Mikheil Shubladze. GYLA is asking the Constitutional Court to declare that Article 91 of the Law on Police (stoppage

and superficial checking) is invalid due to its inconsistency with Articles 18 (the right to liberty and inviolability of person) and 20 (the right to inviolability of private life) of the Georgian Constitution.

The disputed provision is unconstitutional because it allows a police officer to stop an individual to confirm or reject his suspicion of the commission of a crime. However, the law does not specify how the police officer will ascertain whether the individual is guilty or not, while the individual subjected to such a stoppage does not have any procedural rights. Furthermore, the Law does not make it clear what reasonable suspicion means and how it is different from valid presumption - a notion that constitutes one of the grounds for arresting a person according to the Criminal Procedure Code. The police officer carrying out the procedure is not obliged to explain to the individual in connection with what crime he has been stopped. The Law does not regulate how the superficial checking procedure should be carried out and how it is different from the procedure of a search of a person. Most importantly, the Law does not require documenting such stoppage, which makes it impossible to challenge the lawfulness and reasonability of the law enforcement officer's actions.

### 2. *Maia Asakashvili v. the Parliament of Georgia*

During the reporting period, on behalf of a legal guardian (caretaker) of a handicapped person, GYLA challenged a series of provisions from the Civil Code and the Civil Procedure Code. The disputed provisions concern the legal status of a person found by a court to be an "incapacitated" person (civil incapacity) based on mental retardation.

In the suit, we challenged the approach of Georgian legislation, in general, towards incapable persons. The Georgian version of an incapability status implies that, from the moment a court finds a person incapable, the person loses all possibility to make decisions independently and a legal guardian is appointed who decides independently on any matter related to that person.

To ascertain whether a person should be found incapable, experts confine themselves to making general assessments only, for example: "The person is unable to understand the meaning of his actions"; however, the experts do not expand on what kind of action (purchase of an item, sale, donation, lending, marriage) the person is unable to understand. Georgian legislation, therefore, is focused not on a functional assessment of incapacity (which is an accepted practice in western countries) but embarks on an institutional approach, which is quite outdated.

### 3. *Maia Khutsishvili and GYLA v. the Parliament of Georgia*

GYLA and its lawyer Maia Khutsishvili challenged the constitutionality of Article 10(2) of the Law on Criminal Intelligence and Investigative Activities. According to the mentioned provision, the timing of starting and ending criminal intelligence and investigative activities is regulated by an internal act of the investigating agency. According to Article 7(4) of the Law on State Secrets, such internal acts constitute a State secret. It follows, therefore, that the act regulating the timing of starting and ending criminal intelligence and investigative activities is a State secret.

Classification of the timing of criminal intelligence and investigative activities as a State secret violates the right to inviolability of private life guaranteed by Articles 16, 20 and 41 of the Georgian Constitution.

#### 4. *Tamar Chugoshvili and the Georgian Young Lawyers' Association v. the Parliament of Georgia*

The objects of this dispute are paragraphs (2)(l), 3 and 4 of Article 7 of the Law of Georgia on Criminal Intelligence and Investigative Activities.

On 24 September 2010, new subparagraph (l) was added to paragraph 2 of Article 7. The provision allows for surveillance of Internet communication without a court warrant. Paragraphs 3 and 4 of the same Article directly exclude the possibility of a judicial organ to exercise control over surveillance of Internet communication.

We believe that the disputed provision contradicts Article 19 of the Georgian Constitution, which protects freedom of speech and thoughts in the private life, as well as Article 20 of the Constitution, which prohibits interference with an individual's private life without judicial permission thereto, save in cases of urgent necessity.

#### A successful case

During the reporting period, on the basis of a GYLA initiated lawsuit, the Constitutional Court declared a flat prohibition of holding assemblies and protests within a 20-meter radius around certain State institutions to be unconstitutional. In the case - GYLA, Dachi Tsaguria and Jaba Jishkariani v. the Parliament of Georgia - the Constitutional Court, in its decision of 18 April 2011, partly upheld GYLA's claims.

The Constitutional Court fully agreed with our lawyers' position that the prohibition on holding a rally within a 20-meter radius from the entrance of these buildings contradicts the Constitution because, in some cases, it renders the holding of a gathering or protest virtually impossible. The Constitutional Court therefore declared unconstitutional the provision of Article 9(1) of the Law on Assembly and Manifestations which prohibited protest rallies within a 20-meter radius of an entrance to certain State institutions (including the buildings of the Parliament and the President's Administration).

The Constitutional Court disagreed, however, with our request to declare unconstitutional provisions of Article 111 of the Law on Assembly and Manifestations, which do not allow a small group of protest rally participants, even when they have given an advance notice thereon, to block, in full or in part, a transport thoroughfare. We believe that the Court's approach to the matter significantly differs from that enshrined in the jurisprudence of the European Court of Human Rights, which allows even a small group of demonstrators to impede the movement of transport for a reasonable time period.

The Constitutional Court also rejected our claim for declaring unconstitutional a provision which allows the authorities to break up a protest rally if calls for ousting or violently changing the constitutional order are made during the rally. However, the Court did agree with our lawyer's assertion that the State has the right to interfere with the freedom of gatherings only if such calls contain an immediate threat. The reasoning adopted by the Constitutional Court forced the Georgian Parliament to amend Article 11(1) of the Law on Assembly and Manifestations so that prohibition applies to such calls only if they contain an explicit, direct and substantial threat.

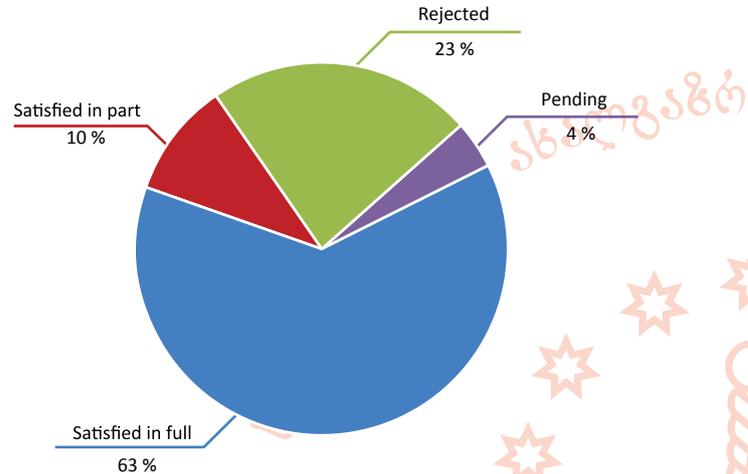
GYLA regards the above-mentioned decision of the Constitutional Court as a successful step toward the strengthening of the freedom of peaceful assembly.

## STRATEGIC LITIGATION ON FREEDOM OF INFORMATION

GYLA continued its strategic litigation efforts on freedom of information issues in the reporting period. Recent decisions handed down by courts confirm that the improper practice of classifying certain public information as secret is still in place, as in previous years. Further, in freedom of information disputes, courts often make unreasoned and non-uniform decisions. Courts have been especially inconsistent in their interpretation concerning the term for applying to a court with a lawsuit demanding that the court order an administrative body to perform a certain action (i.e., to release information).

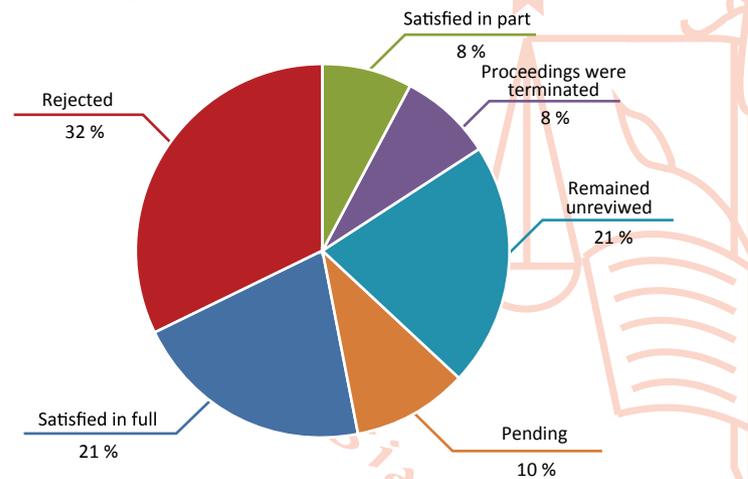
In the reporting period, we sent 160 requests for information to public institutions of which

- 101 were satisfied in full;
- 16 were satisfied in part;
- 36 were rejected;
- 7 are pending.



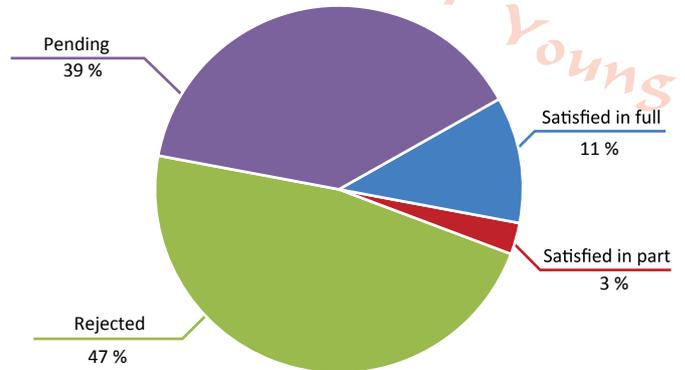
38 administrative complaints were filed during the reporting period, of which

- 8 were satisfied in fully;
- 12 were rejected;
- 3 were satisfied in part;
- Proceedings were terminated on 3 complaints;
- 8 complaints remained without further action (unreviewed);
- 4 cases are pending.



36 lawsuits were filed with courts of which

- 4 were satisfied in full;
- 1 was satisfied in part;
- 17 were rejected;
- 14 are pending.

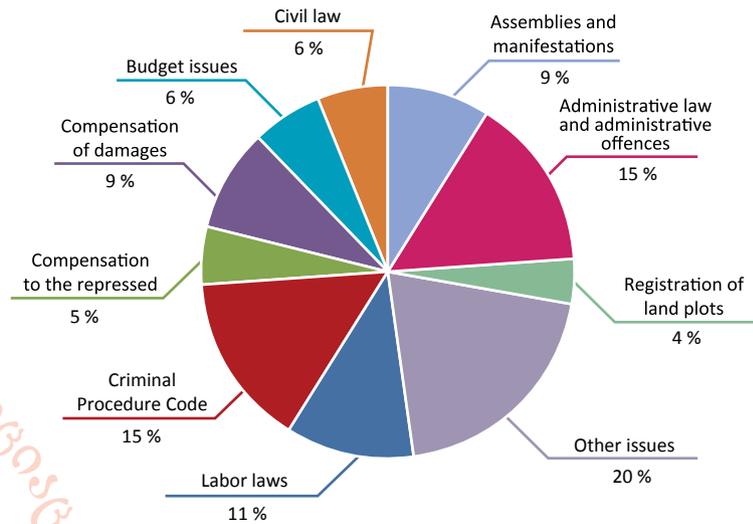


### Strategic litigation within the Georgian Media Legal Defense Center

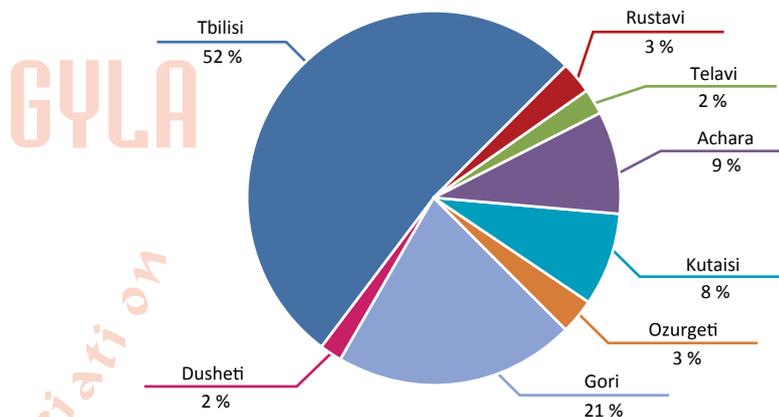
This is the second year during which the Georgian Media Legal Defense Center has been functioning in GYLA's offices. The Center provides legal advice and legal assistance to journalists and media outlets. The Center's lawyers have been issuing legal advice on any requested legal issue, drafting legal documents and representing clients' interests before administrative and judicial organs.

During the reporting period, the Georgian Media Legal Defense Center drafted 117 legal documents and

issued 1,136 legal consultations. The topics of consultations were diverse and the areas of interests can be displayed in percentages as follows:



The diagram below shows trends in legal consultations by region:



## EVALUATION OF THE 26 MAY 2011 EVENTS AND RESPONSES TO HUMAN RIGHTS VIOLATIONS

GYLA worked actively on human rights violations in connection with the events of May 26 by both providing legal assistance to individual victims and analyzing and documenting the facts and trends of human rights violations.

### Legal assistance provided by GYLA attorneys in individual cases

As the analysis of facts shows, arrests immediately during the time when the rally was taking place on May 26 were preceded by wholesale arrests of individuals directly or indirectly connected with the exercise of the right to peaceful assembly. Arrests (under both administrative and criminal rule) continued after May 26.

GYLA's attorneys defended the interests of 15 individuals arrested, allegedly, for having committed administrative offences. In addition, our lawyers paid visits to temporary detention facilities and provided

legal assistance to 141 persons detained in relation to the May rallies. GYLA's lawyers assisted them in communicating with their families and finding legal solutions to their complaints, such as to provision of medical services, conditions of detention and ill-treatment. Our attorneys also defended up to ten individuals arrested under criminal laws in connection with the May 26 events.



We would like to separately highlight the issue of the protection of journalists who sustained physical injuries and property damage during the time of breakup of the rally on 26 May 2011. In this respect, the Center for Legal Protection of the Georgian Media prepared a lawsuit in which 7 journalists and media outlets are demanding compensation, in particular, reimbursement of property damages and payment of compensation for physical injuries inflicted to them. In addition, the Center prepared and published public announcements regarding interference with the journalists' activity.

#### **A report on human rights violations occurring during or in connection with the breakup of the May 26 rally**

GYLA created a working group on human rights violations during or in connection with the breakup of the May 26 rally. On 6 June 2011, the working group published an interim report and submitted it to relevant international organizations. The group then continued working on a comprehensive version of the report.

The group collected information from various sources using different methods. In particular, they addressed requests for information to State institutions, sought materials from media facilities (including video and photo materials) and obtained statements from journalists, observers and lawyers, as well as up to 70 witnesses and victims. In some cases, the group hired an expert examination.



The abovementioned report covers the following topics: 1) analysis of the practice, before May 26, of wholesale arrests in connection with the exercise of the right to manifestations; 2) assessment of the legitimacy of the authorities' decision to break up the rally; 3) analysis of tactics and techniques used by the police to break up the rally; 4) analysis of individual cases of disproportional use of force by the police in breaking up the rally; 5) assessment of the facts of infringement upon lives of citizens that took place during the breakup of the May 26 rally or presumably in connection with the rally; 6) inhuman treatment of individuals arrested during the breaking up of the rally and detained in police stations and temporary detention facilities; 7) assessment of detention conditions in temporary detention facilities.

## LEGAL ASSISTANCE TO INTERNALLY DISPLACED PERSONS (IDPS)

During the reporting period, our Legal Aid Centers have actively worked on the problems of internally displaced persons. In addition to providing legal assistance to IDPs, we arranged information meetings for IDPs. GYLA has also been monitoring the process of eviction (removal) of IDPs from their temporary residences.

Statistics on legal assistance provided to IDPs during the reporting period are as follows:

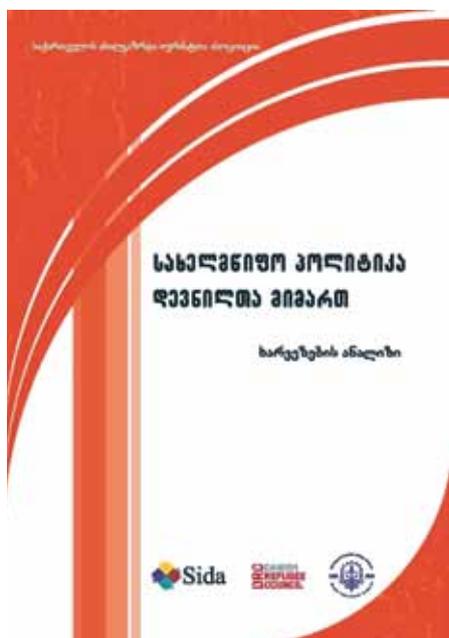
- Individual legal consultations: 4,787
- Drafting of legal documents: 527
- Representations before administrative and judicial bodies: 51
- Mobile visits: 166

In the reporting period, the Georgian Young Lawyers' Association continued to monitor the process of eviction (removal) of IDPs from temporary shelters and collective settlement areas. During the last year, we monitored removal of IDPs from 7 buildings. As the monitoring results showed, the eviction process was handled with shortcomings:

- Alternative residence was offered without having regard to the current place of registration and the location of current temporary residence;
- Compensation sums were paid with delays;
- Families registered in collective settlement areas were evicted prior to a voluntary agreement being reached with them in advance.

Our work on the problems facing IDPs revealed some large-scale problems in the State policy on this issue. As a result, we decided to publish a unified document compiling and analyzing the most problematic issues that have emerged. The research, entitled "State policy on IDPs; analysis of shortcomings" analyzes four major





problems: the granting of IDP status, payment of compensation, shortcomings in the process of eviction/resettlement and shortcomings in the privatization process. The research also includes recommendations GYLA developed to help eliminate these setbacks.

## THE RIGHT TO LABOR

During the reporting period, GYLA's Legal Aid Centers were actively working engaged in the protection of labor rights. In this regard, special attention was paid to vulnerable groups such as pregnant women, juveniles, disable persons, pension-aged individuals as well as internally displaced persons and citizens with special occupations (doctors, journalists, teachers, etc.).

It should be noted that, in the reporting period, we concluded a Memorandum of Cooperation with the Georgian Trade Unions Confederation. Under the terms of the Memorandum, GYLA will provide the members of the Trade Unions with legal assistance.

GYLA's Legal Aid Centers have issued a total of 2,772 legal consultations on labor issues. Based on an analysis of statistical data, GYLA identified some major problems:

- Dismissal without any advance notice or explanation;
- Establishment of length of past employment;
- Failure to compensate for paid leave;
- Payment of outstanding salaries.

Within our work on labor issues, GYLA represented citizens' interests in 21 labor disputes of which 10 ended successfully and 4 unsuccessfully. Proceedings are ongoing in 7 other cases. Most of the disputes concern restoration of dismissed employees to their jobs and payment of the salary for the period of dismissal.

## LEGAL ASSISTANCE TO PRISONERS IN PENITENTIARY INSTITUTIONS

In the reporting year, together with the Public Defender's Office, GYLA began a new joint project aimed at strengthening the National Preventive Mechanism and protections of prisoners' rights. Through this undertaking, GYLA has become able to be involved in the monitoring group of the National Preventive Mechanism and, as a result, able participate in monitoring of temporary detention facilities and penitentiary institutions. Through the project, this year, for the first time, the monitoring group was joined by two representatives from GYLA who, together with other members of the group, participated in the summer monitoring mission. The monitoring group was especially focused on facts of ill-treatment.

The project enabled us to reach out to more prisoners. Accordingly, the number of legal consultations provided to prisoners and their family members as well as the frequency of preparing various related legal documents in GYLA's offices have increased. The Public Defender's Office has also actively forwarded to GYLA, those prisoners' complaints and applications which the Public Defender was unable to react to or provide assistance within its mandate.

In addition, dozens of prisoners and their family members addressed GYLA's offices in Tbilisi and in the regions requesting legal assistance. In most cases, the prisoners complained about the healthcare system and medical treatment provided to them in penitentiary institutions. GYLA's attorneys, depending on the circumstances of each individual case, issued legal consultations and drafted motions and applications to secure provision of appropriate medical treatment to prisoners, transfer between penitentiary institutions, early release due to illness and/or transfer to another penitentiary institution. In addition, our attorneys helped prisoners draft motions for early conditional release from the remainder of their sentence or pardon.



During the reporting period, our Tbilisi Office registered incoming letters from 174 prisoners. Family members of prisoners visiting our office to obtain legal advice also provided us with information on persons in penitentiary institutions. During the same period, the Legal Aid Center of GYLA's Tbilisi Office visited and issued legal consultations to 192 prisoners in penitentiary institutions. 58 prisoners received written replies from us. For 67 prisoners, we drafted various legal documents such as applications, cassation complaints, etc. As regards our regional offices, GYLA issued 530 legal consultations in penitentiary institutions proper as well as in person and over the phone. In addition, 56 various legal documents (applications, cassation complaints, etc.) were drafted.

## RAISING LEGAL AWARENESS OF AND ESTABLISHING RESPECT FOR RULE OF LAW IN THE PUBLIC

Not only does GYLA protect human rights, but it also equips citizens with the skills and information necessary to ensure full-fledged exercise of their rights. On this ground, we consider it one of our paramount goals to raise legal awareness among the public and to establish respect for the rule of law throughout society.

### INFORMATION SEMINARS, MEETINGS IN THE REGIONS AND AUTO-TOURS

Awareness raising campaigns during the reporting period included conducting seminars and trainings for public officials, attorneys, non-governmental organizations and media representatives; exit meetings; publication of articles in newspapers; and arrangement of auto-tours.

Statistics of information seminars and meetings held in the regions are as follows:

	Kutaisi	Achara	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Seminars, round tables, meetings	62	81	276	21	22	6	12	480
Number of participants	1116	2553	5520	490	412	89	173	10353

Seminars and round tables were devoted to discussing almost all of the important legislative amendments adopted by Georgia's highest legislative organ during the reporting period as well as the following topical issues:

- Diversion and mediation programs
- Rules of payment of monetary compensation to persons recognized as victims of political repression
- Administrative detention
- New rules in the taxation law
- Administrative punishments and rules of appeal
- State Strategy for the Development of Georgia's Regions
- State program of social assistance
- State healthcare programs for 2011
- State budgeting: amendments in legislation
- Georgian legislation on State procurement
- Law of Georgia on Incompatibility of Interests and Corruption in the Public Service
- Rules regulating registration in the unified database of socially unprotected families
- Crewing companies and mechanisms of legal protection for sailors
- Rules and conditions of authorization and certification of high schools

- Jury trials
- International mechanisms of human rights protection
- Social guarantees for disabled persons
- Rights and integration of national minorities
- Naming and numbering of streets
- The Professional Ethics Code of Teachers
- Rules of recognition of property rights to land plots possessed by physical persons and private law entities
- New amendments to the Law on Registration of Civil Acts
- Labor relations
- Social protection mechanisms of beneficiaries included in the State Program against Poverty; the granting of social assistance; rules of appeal.

### TV and radio programs

We continued to actively cooperate with local radio broadcasters in the regions to ensure communication with the population to the highest possible extent:

- Radio “Hereti” - topics:
  - Rules and conditions of payment of compensation to persons recognized as victims of political repression
  - Procedures of composing a local budget
  - Problems related to enforcement of judicial decisions
  - Rules and conditions of registration, reorganization and liquidation of non-entrepreneurial (non-commercial) legal entities
- Radio “Trialeti” - topics:
  - Human rights in Georgia
  - Rules and conditions of immovable property registration
  - The stoppage and superficial checking procedure
  - How to defend rights in the event of an administrative offence
  - How to address the European Court of Human Rights
  - How persons recognized as victims of political repressions could receive monetary compensation
  - Special features of privatization of agricultural land plots.
- Radio “Old Town” - topics:
  - Social guarantees envisaged by central and local budgets
  - State healthcare programs
  - New rules in tax legislation
  - Domestic violence and legal mechanisms of its regulation
  - Labor disputes
  - Law of Georgia on Recognition as Victim of Political Repression and Social Protection of the Repressed
- TV Company “TV 25” - topics:
  - Competencies of the High Council of the Achara Autonomous Republic
  - Involvement of citizens in the Government decision-making process
  - Violations of customs procedures and tax rules

- Guards in public schools and their competencies
- Protection of cultural heritage monuments
- Gender and the Labor Code
- Legality of the repudiation of labor contracts concluded with high school teachers
- Freedom of expression
- Rules and conditions of payment of monetary compensation to persons recognized as victims of political repression
- Freedom of religion
- TV Companies Gurjaani, Gorda and Satellite; topics:
  - The granting of social assistance and problems related to this procedure
  - Children's rights
  - Competencies of local self-governance

### Newspaper articles

GYLA's regional offices continued to cooperate actively with local newspapers and journals. A great deal of articles were published in the press during the reporting period on issues of interest to the public:

- "Voice of Kakheti" newspaper topics:
  - Diversion and mediation: a new form of releasing juveniles from criminal liability
  - What you should know about receipt of inheritance
- "Herald of Guria" newspaper topics:
  - Rules and conditions of payment of compensation to persons recognized as victims of political repression
  - Registration of title to immovable property
- "New Newspaper" newspaper topics:
  - Teachers' rights
- "People's Newspaper" newspaper topics:
  - Rules of imposing administrative fines for polluting the environment; rules of appeal
  - The rights of parents and children
  - Legal specificities of terminating labor relationships
  - How to request payment of monetary compensation for persons recognized as victims of political repression
- "Herald of Dusheti" newspaper topics:
  - Who is eligible for tax benefits
- "Rustavi" newspaper topics:
  - New rules in the Imprisonment Code
- "Bolnisi" newspaper topics:
  - Administrative detention
- "Batumelebi" newspaper topics:
  - Recognition of title to a land plot

- Activities incompatible with public office
- I and my rights
- “Achara News” newspaper topics:
  - Diversion and mediation program: a novelty in juvenile justice.

### Auto-tours

As in previous years, GYLA’s lawyers actively participated in exit meetings - the auto-tours - in the current reporting year. Through use of auto-tours, we tried to stretch our assistance to residents of various remote or difficult-to-access villages. During the auto-tours, we provided local populations with information about new legislative amendments and legal assistance as needed.

Auto-tours carried out during the reporting period conducted the following activities:

Gori Office conducted auto-tours to the following villages of the Akhalkalaki and Ninotsminda municipalities of the Samtskhe-Javakheti region: Kulalisi, Patara Konduri, Dilifia, Didi Konduri, Khulgumo, Didi Arakali, Qartsepi, Machatia, Totkhami, Korkhi, Orja, Patara Khorenia, Kirovakani, Kumurdo, Spasovka, Orlovka, Murjakheti, Orojolari, Chamdura, Vachiani, Okami, Afnia, Gogasheni, Azmana, Satkhe, Khospio, Mamtsvara, Jigrasheni. Residents of these villages were interested in payment of compensation to victims of political repressions, competencies of school guards, recognition of title to land plots, dual-citizenship, statutory benefits for high mountainous regions, teachers’ certifications, the granting of State pensions for the loss of a breadwinner, the granting of social assistance, registration of immovable property, domestic violence, health insurance, State healthcare programs, the granting of subsistence allowance, registration of civil acts/records (marriage, birth), school self-governance, functions of trustees’ councils at schools, competencies of local self-governance, local budgeting, learning of the State language by national minorities, receipt of inheritance, unlawful border crossing, pardon and amnesty, tax benefits and other legal issues. During the meetings, we distributed GYLA’s information brochures to these populations.

Telavi Office conducted auto-tours to the following villages of Lagodekhi, Kvareli, Telavi, Akhmeta and Gurjaani municipalities: Kabali, Afeni, Leliani, Vardisubani, Heretiskari, Chiauri, Bolokiani, Kartubani, Tsiflitskaro, Saniore, Ikalto, Nafareuli, Shakriani, Gremi, Eniseli, Shilda, Gavazi, Kvemo Alvani, Zemo Khodasheni, Mataani, Kalauri, Vachnadziani. A total of 722 consultations were held. Local residents were interested in imposition of administrative punishments, forced enforcement of court decisions, registering title to agricultural land plots, the spending of sums allocated under the Village Assistance Program, State pensions, repudiation of labor contracts, registration in the Unified Database of Socially Unprotected Families, inheritance of families in villages, registration of immovable property, purchase of leased land plots, family record books in villages, and issuance of various official notices and performance of notary duties by the local authorities.



Achara Office conducted auto-tours to the following villages of Keda, Kobuleti, Khelvachauri, Khulo and Shuakhevi municipalities: Sameba, Chinkadzeebi, Dokhadzeebi, Okropilauri, Khichauri, Rikikhidi, Dro, Masauri, Gorjomi, Kapreshumi, Chakhauti, Merchkhedi, Khala, Kvashta, Chelta, Duadzeebi, Zemo Agara, Diakonidzeebi, Makhuntseti, Gogadzeebi, Didachara, Tsintskalashvilebi, Chikvaidzeebi, Zeda Gorodoki, Stepanishvili, Kvirike,

Khunduka, Gantiadi, Zeda Kvirike, Korolistavi, Kveda Kvirike, Tsivadzeebi, Zendidi, Takidzeebi, Labadzeebi, Gorgadzeebi, Tsinsvla, Ortabatumi, Zeda Gantiadi, Cape Green, Dologani, Chaisubani, Chakvistavi, Sulfur Baths, Feria, Gonio, Sarpi, Kvriati, Angisa, Zeda Makhuntseti, Tsikhisdziri, Iakobadzeebi, Oktomberi, Fushkurauli. A total of 1086 consultations were held. Local residents were interested in recognition of title to land plots, payment of compensation to persons recognized as victims of political repression, State healthcare programs, social assistance, protection of consumers' rights, the granting of ownership rights to residential spaces to IDPs, amnesty for persons convicted of falsification of documents and resettlement of eco-migrants. Lawyers from GYLA's Achara Office drafted documents for lawsuits for persons recognized as victims of political repression on the spot in villages during their visit to high mountainous regions of Achara, enabling them to claim payment of compensation on account of their status. Our lawyers also provided the local residents with explanations concerning registration in the Unified Database of Socially Unprotected Families, the granting of subsistence allowance and rules and conditions of health insurance.

GYLA's Dusheti Office conducted auto-tours in the Dusheti, Tianeti and Mtskheta municipalities. Meetings with the population were held in 34 settled areas. Villages visited included Barisakho, Shatili, Roshka, Korsha, Gudani, Mutso, Vedzatkhevi, Natakhtari, Chartali, Bodorna, Tsitelsopeli, Khando, Chrdileliantkari, Vashlobi, Sashaburo, Akhatani, Undilaanebi, Baga, Pavleuri, Aranisi, Chinti, Kaiskhevi, Chubiniantkari, Gognauri, Kikhoti, Tsifnari, Lapanaantkari, Mchadijvari, Toncha, Tsitsamuri, Tsikhisdziri, Migrialebi, Choporti, Tsvitskaro, Dgnali. 684 citizens participated in, and received legal consultations, during these exit meetings. Local residents were particularly interested in payment of compensation to persons recognized as victims of political repression, registration of title to land plots, receipt of inheritance, registration of civil acts/records (marriage, birth etc), the granting of social assistance, division of a household property in villages, enforcement of court decisions, use of natural resources, the granting of a State pension for the loss of a breadwinner and benefits available to residents of high mountainous regions.

GYLA's Ozurgeti Office conducted auto-tours to the following villages of the Chokhatauri, Ozurgeti and Lanchkhuti municipalities: Jiketi, Chkonagora, Jumati, Gomi, Gonebiskari, Famfaleti, Ganakhleba, Khevi, Nigoiti, Shromisubani, Nabeglavi, Bakhmaro, Shedrekili, Papara, Bakhvi, Kvemo Bakhvi, Khidistavi, Mamati, Chochkhati, Atsana, Tsikhisferi, Bukistsikhe, laneuli, Tsipnari, Aketi, Kokhnari, village Ozurgeti.

A total of 1256 consultations were issued. Local residents were interested in recognition of title to land plots, payment of compensation to persons recognized as victims of political repression, registration of immovable property, land privatization, benefits available to residents of high mountainous regions, division of a household property in villages, protection of consumers' rights, use of forests and natural resources, tax benefits and social matters.

GYLA's Rustavi Office conducted auto-tours to the following villates of Marneuli, Tetrtskaro, Gardabani, Bolnisi and Tsalka municipalities: Tbsi, Matsevani, Golteti, Enageti, Guniakala, Gantiadi, Ediqilisa, Aiazmi, Akhaliki, Kvemo Kharaba, Ofreti, Khokhmeli, Ushashlo, Agmamedi, Samgori, Akhali Samgori, Ifnari, Dageti, Zemoagasheni, Samgereti, Tnusi, Javakhi, Dalari, Vake, Sadakhlo, Mirzovka, Gudarekhi, Khopisi, Ksovreti, Abeliani, Sagrasheni, Dashfashi, Mukhati, Kumisi, Koda, Bogvi. Consultations were issued on various legal issues, including adoption of Georgian citizenship, registration of title to land plots,



verification of the birth of children born outside medical institutions, correcting incorrect data in civil acts and the granting of State pensions and social assistance. As it turned out, the most important problem for the Kvemo Kartli residents is that they are not getting social assistance. Lawyers from GYLA's Rustavi Office drafted applications for registration in the Unified Database of Socially Unprotected Families for the interested citizens on the spot; the citizens were then able to submit these applications to local offices of the Social Services Agency. In addition, our lawyers identified problems related to the resettlement of eco-migrants from high mountainous Achara; to date, these migrants have not been granted the status of eco-migrants and, since their resettlement, have been residing in houses abandoned by Greek citizens. GYLA's lawyers provided legal advice to these persons and drafted documents to help them in being granted the status.

GYLA's Kutaisi Office conducted auto-tours to the following villages of Abasha, Senaki, Martvili, Chkhorotsku, Tsalenjikha, Khobi, Zugdidi and Poti municipalities of the Samegrelo Region: Marani, Nojikhevi, Anaklia, Ganmukhuri, Darcheli, Potskho-Etseri, Lia, Jgali, Kanti, Mukhuri, Khabume, Pirveli Chola, Napichkhovo, Taleri, Didi Chkoni, Gachedili, Inchkhuri, Nakharebao, Bandza, Nokalakevi, Dzveli Senaki, Chaladidi, Kheta, Daba Jvari. Meetings were also held in the buildings of local legislative and executive authorities in Abasha, Senaki, Martvili, Chkhorotsku, Tsalenjikha, Khobi and Zugdidi and in the representation of the Achara Autonomous Republic in Samegrelo - Zemo Svaneti region. A total of 40 meetings were held in which 440 citizens took

part. 850 consultations were held. Violations of property rights are an acute problem in Anaklia and Village Ergeta but, unfortunately, the local residents intimidated by representatives of authorities, with a few exceptions, are not willing to fight for their rights. The local population positively views the increase of competencies of local government bodies, however, they wish to have the documentation hand over to archives in 2006 returned to them, as without this documentation representatives of the local government cannot issue formal documents required to make use of available social services and benefits. The local residents were also interested in



matters related to eviction of Internally Displaced Persons from collective settlement areas, privatization of agricultural land plots, functioning of local self-governance bodies, recognition of title to land, social and ecologic problems and social assistance available to individuals living below the poverty line.

The Kutaisi Office conducted auto-tours to Oni, Ambrolauri, Tsageri and Lentekhi municipalities of the Racha-Lechkhumi-Kvemo Svaneti region. Meetings with the population were held in the following villages: Khonchiori, Kvatskhuti, Gadishi, Surmushi, Spatagori, Skhvava, Gvirishi, Lajana, Dzirageuli, Krikhi, Sadmeli, Chorjo, Alpana, Tkhmori, Shavra, Nakieti, Baji, Ofitara, Makhuri, Zubi, Larchvali, Namanevi, Gendushi, Kvishari, Khvanchkara, Nakuraleshi, Tvishi, Korenishi, Glola, Shovi, Khotevi, Bardnala, Chkhuteli, Orbeli, Nikortsmina, Patara Oni, Sori, Tsesi, Chrebalo, Pirveli Tola, Meore Tola, Zhoshkha, Tsiferchi, Cheliagele, Nigvznari. Meetings were also held in the State Representative's (Governor's) administration building, local legislative authorities' buildings in Tsageri, Lentekhi, Oni and Ambrolauri, and collective settlement areas of IDPs. In total, 50 meetings were held and 500 consultations were conducted. A number of important problems were identified during the meetings. For example, Lentekhi and Tsageri do not have notary offices and the local residents have to travel to Kutaisi to obtain the services of a notary public. It is worth mentioning separately that the region's population is skeptical about the construction of hydro power plants in Namokhvani, Tvishi and Zhoneti. As the local residents have stated, these constructions will result in the abandonment of the other side of Lechkhumi by the population. They asked GYLA for assistance in this matter. The local residents were also interested in recognition of title to land plots, registration of immovable property, land privatization, benefits available to residents of high mountainous regions, the granting of social assistance to persons living below the poverty

line, transfer of property to local self-governance bodies, protection of consumers' rights, use of forests and natural resources, tax discounts, resettlement of eco-migrants affected by natural calamities, competencies of local self-governance bodies and social issues.

Within the framework of the auto-tours, GYLA met with representatives of the regional administration who asked the members of our Kutaisi Office to conduct trainings on local self-governance legislation for the local officials; they also requested our assistance in drafting and lobbying a regional development strategy document.

The Kutaisi Office also conducted auto-tours in the municipalities of Mestia. Meetings were held in the local legislative organ of the Mestia municipality, Ushguli, Kali, Ipari, Mulakhi, Lenjeri, Latali, Becho, Etseri and Chuberi communities as well as in the Mestia Education Resource Center and the Mestia Office of the Social Services Agency. A total of 17 meetings were held, in which 160 citizens took part. 335 consultations were issued. During the meetings, a number of problems requiring immediate response were identified. For instance, the government expropriated citizens' private property on the ground of pressing public need for the construction of the 140 km-long Zugdidi-Mestia motor road but some of the proprietors have not received their compensation yet. Also, the Mestia local residents negatively assessed the construction of the Khudoni and Neskra hydro power plants; they are afraid that the construction may cause an ecological catastrophe and abandonment by the local population of the Zemo Svaneti region. It should be noted that the unique Svanetian towers in the Mestia municipality were not included in the list of protected objects envisaged by the Law of Georgia on the Status of Protected Territories and the Law of Georgia on the System of Protected Territories. The region is also especially facing the problem of not getting social assistance. A majority of the population is dissatisfied with the functioning of both the Mestia Office and the Regional Office of the Social Services Agency. The local residents are demanding that a commission from the Social Services Agency visit them locally to study the issue. According to the local population, even individuals living in extreme poverty are not getting any subsistence allowance. Mestia still does not have a notary office and the local residents have to travel to Zugdidi to use notary services. Local authorities also do not have a building or any appropriate equipment; they have no access to the Internet and, accordingly, to the notary register and they are unable to perform notary functions. A separate problem is the handover of documentation of liquidated governing bodies of villages and communities to the State archives; without this documentation, representatives of the local government cannot issue formal documents required to make use of available social services and benefits. To eliminate the problem, GYLA's recommendation is that the documentation handed over to the State archives in 2006 be returned back to local authorities. Local residents were also interested in recognition of title to land plots, social and ecological problems and the granting of social assistance to individuals living below the poverty line.

## MOBILIZATION, TRAININGS AND AWARENESS RAISING OF INTERNALLY DISPLACED PERSONS (IDPS)

During the reporting period, GYLA continued to raise IDPs' civic awareness of issues of concern for them. For IDPs who, according to the Action Plan, received titles to the residential places they have been occupying, it was important to resolve problems related to their respective multi-storey residential buildings by joint action, specifically through the mechanism of "partnerships" of apartment owners. To this end, together with its partner organizations, GYLA conducted 18 trainings in Tbilisi and Rustavi on creating a partnership and on the functions of such partnerships. Groups of 15 people each were invited from various IDPs' collective settlement areas to participate in the trainings.

GYLA continued to pay mobile visits to pre-selected collective settlement areas and new areas settled by IDPs. During these visits, IDPs received information on the updated Action Plan and other important issues. In total, 166 mobile visits were paid in the reporting period.

To raise IDPs' awareness, the following information brochures on issues of interests have been printed and distributed during the reporting period:

- State pensions
- Transfer of residential spaces into IDPs' ownership
- The right to residence and guarantees against unmotivated eviction



The Georgian Young Lawyers' Association continued to cooperate with local non-governmental and international organizations working on IDPs' issues in Georgia as well as the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. In this regard, we arranged 6 coordination meetings to discuss issues of concern for IDPs.

## THE RIGHT TO HEALTH

As a human rights organization, over the past 3 years GYLA has been actively working on issues related to health rights. In pursuit of this, through our project entitled “Exercise of human rights within the scope of patient care” a website [www.healthrights.ge](http://www.healthrights.ge) was created.



The aim of the website is to provide lawyers, health services providers, patients and other interested persons with comprehensive and up to date information about human rights within the scope of patient care. One of the objectives of the website is to inform the public about the existence of an information booklet entitled “Human Rights in Patient Care”, which was composed in 2011 by the Open Society Foundation and the Open Society - Georgia Foundation. The book is of practical use and constitutes a guide tool for lawyers to help them more effectively use legal mechanisms to defend human rights related to healthcare.

## RAISING LEGAL AWARENESS OF THE PUBLIC AND PREVENTION OF VIOLATIONS OF LABOR RIGHTS

During the reporting period, in addition to responding to individual violations of labor rights, the Georgian Young Lawyers’ Association carried out activities to raise public awareness of labor rights. To this end, we prepared special brochures on international standards and basic labor rights and their legal protection mechanisms at the national level. The brochures were printed in the Georgian, Armenian and Azeri languages and were disseminated in various regions of Georgia, including areas settled by national minorities.

Within the project, we also prepared special commercials which are aired by the Public Broadcaster. The commercials concerns labor rights of pregnant women, juveniles, etc.

## PREVENTION OF DOMESTIC VIOLENCE

GYLA has continued its active involvement in public awareness campaigning on domestic violence issues among vulnerable groups. During the reporting period, GYLA carried out active campaigning in Tbilisi and the Shida Kartli region with the purpose to inform internally displaced persons on issues of violence in family and human trafficking. 108 information meetings and 3 round tables were held. For teachers of Shida Kartli public schools, 12 public lectures were given on matters related to violence within families.

In April 2011, a competition of paintings and short plays entitled “No to domestic violence” was presented to the public. Tamar Chugoshvili, Chairperson of the Georgian Young Lawyers’ Association and John Bass, Ambassador of the United States in Georgia handed prizes to the winners of the competition. In addition, a theatrical performance was shown in 10 areas settled by internally displaced persons. Using the competition winners’ paintings, we printed cards and bookmarks, which we distributed in Tbilisi and in the regions.



During the reporting period, we conducted 13 trainings for internally displaced persons devoted to discussing Georgian legislation on domestic violence and human trafficking. A total of 112 people were trained.

## HUMAN RIGHTS WEEK

Continuing a long standing tradition, on December 10 GYLA commemorated international human rights day and dedicated a week to it. The week started on 9 December with a peaceful rally in front of the Supreme Court. Rally participants dressed in specially-designed T-shirts gathered in front of the Court to voice concern over the most important problems outlined in this report.



The slogan of the rally was “Recognize my rights!” and was particularly related to the obstacles frequently encountered in the process of obtaining public information that have increasingly become a problem during the reporting period.

In addition, to mark Human Rights week we conducted a students’ Olympiad in the Constitutional Court in Batumi. Foundation for the Support of Legal Education of the Georgian Young Lawyers’ Association, in cooperation with the Georgian Constitutional Court, has been systematically holding a national-scale Olympiad entitled “Young Lawyers for Constitutional Rights” for the last 4 years.

Further, Tamar Chugoshvili, Chairperson of GYLA, and a group of media experts headed by Lasha Tugushi, held a briefing on problems in the media. During the briefing, measures needed to be taken to ensure higher media transparency were discussed in detail.

### 26 June - International Day of Protection of Victims of Torture

On 26 June, the Georgian Young Lawyers’ Association has, traditionally, commemorated international protection of victims of torture day. Peaceful rallies with the title “Do not torture” were held in front of the buildings of temporary detention facilities in Tbilisi and in the regions, attended by GYLA employees, volunteers, students and other interested persons.

Participants of the rally tied a yellow ribbon with “Do not torture!” written across it to front of the temporary detention facilities. Rally participants further wore T-shirts with key slogans such as “Do not torture!”, “Do not conceal!”, “Do not tolerate!” and “Investigate!”





Through these rallies, GYLA drew attention to the following key messages:

- Administrative detention as it exists now, as well as its being served in temporary detention facilities, is unacceptable because it often leads to torture and inhuman treatment;
- GYLA called on victims of torture and/or inhuman treatment to speak up against torture;
- GYLA called on the law enforcement authorities to effectively and impartially investigate allegations of torture and inhuman treatment.

## 28 September - International Day of Freedom of Information

In 2011, GYLA commemorated international freedom of information day through our “Accountability and promotion of transparency in Georgia” project, during which freedom of information-related activities were simultaneously held in our Tbilisi, Kutaisi, Gori and Telavi offices.

Specifically, a research document on the issuance of approvals for outdoor peddling in Tbilisi was presented. The same day, GYLA presented a public information database [www.gyla.ge/foib](http://www.gyla.ge/foib) aimed at making information GYLA obtained from various public institutions easily accessible to all.

In our regional offices focus was made on problems related to freedom of information in the regions and the obstacles GYLA is encountering when trying to obtain public information. Special attention was paid to the impossibility to receive information concerning the construction of the new Georgian Parliament building in Kutaisi.



On the same day, a GYLA representative gave a public lesson on freedom of information to school children.

## GEORGIAN NATIONAL PLATFORM OF EASTERN PARTNERSHIP

GYLA is currently implementing a project entitled “Georgia’s national platform for Eastern Partnership”. The goal of the project is to promote the unimpeded and effective functioning of Georgia’s national platform for Eastern Partnership (discussed below) and to raise public awareness thereof.



On 7 May 2009, the European Union proposed a new form of cooperation – “Eastern Partnership” - to six Eastern Europe countries: Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine. Aims of this new initiative include the promotion of democracy and good governance, supporting economic and social development, environmental protection, strengthening energy security and encouraging people to people contacts, as well as promoting general reform of these sectors.

At the initiative of the European Commission, a **Civil Society Forum** on Eastern Partnership was formed. The Forum is to facilitate the involvement of civil society organizations (CSOs) in the six partner countries, foster greater cooperation among the CSOs of these countries, promote civil society dialogue with public institutions, and help achieve partnership goals. For the effective functioning of the Civil Society Forum, non-governmental organizations’ national platforms have been created in each of the partner countries. The national facilitator in Georgia is Tamar Khidasheli, former Chairperson of GYLA.

**Georgia’s National Platform** was created on 13 November 2010. Its goals are:

1. To promote the progress of the thematic platforms and pilot initiatives of the Eastern Partnership in Georgia;
2. To represent the interests of Georgian civil society at the civil society forum and to promote forum activities.

To-date, 83 Georgian organizations and international civil society organizations registered in Georgia have joined the platform.

The Georgian National Platform is functioning in 4 groups, according to the four thematic platforms of the Eastern Partnership:

1. **Democracy, human rights, good governance and stability;**  
Subgroups:
  - Judicial reports, human rights and media
  - Fight against corruption and reform of public services
2. **Economic integration and compatibility with EU policies;**
3. **Environmental protection, climate change and energy security;**
4. **Encouragement of people to people contacts.**

During the reporting period, meetings of the coordination council were held each month to discuss important strategic, administrative and technical issues in relation to the functioning of the platform. The working groups were organized at the group coordinators’ initiative and with GYLA’s assistance. A total of 13 meetings were

held where the participants actively discussed issues related to the Eastern Partnership. It should be noted that civil society has been actively involved in platform operations and many different organizations continue to join.

## MEDIA MONITORING

In order to ensure media coverage of its activities, the Georgian Young Lawyers' Association has been cooperating with IPM, a research organization, for several years.

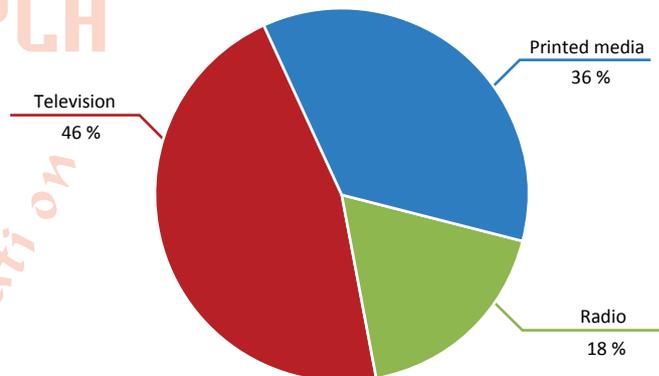
During the reporting period, according to statistical data provided by IPM, GYLA was mentioned in 1,393 newspaper articles and television and radio programs across 34 media outlets.

According to the statistics, 637 programs or stories about GYLA were broadcast by 7 television companies, of which Maestro led in coverage with 292 programs.

259 stories were aired by 9 radio channels. Radio "Palitra" being the most active with 64 stories.

In print, 497 articles were published in 28 newspapers and journals over the course of the year. A great deal of these - 112 articles - were published in the Newspaper "Resonance".

The statistics of GYLA's media coverage are presented in chart form below:



## PROMOTING AN EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT

Effective government remains one of the main priorities for GYLA. Establishment of democratic governance is the fundamental goal of our activities, which is unimaginable without an accountable and transparent government on the one hand and an informed citizen base on the other. To this end, in 2011, we prepared a number of research papers and updated our public information database.

### FREEDOM OF INFORMATION IN GEORGIA: ANALYSIS OF COURT PRACTICE

Our Analysis of Court Practice publication discusses trends within the judiciary concerning freedom of information. The Analysis is a valuable source of information for professional lawyers and individuals working in the field of freedom of information. It analyzes all of the decisions of the Constitutional Court and courts of general jurisdiction delivered in the period from 1 January 2008 - 1 September 2010.

The research paper discusses the standard set by the Constitutional Court on Articles 24, 37 and 41 of the Georgian Constitution, while also tackling standards established by courts of general jurisdiction.

It was also noted that the definition of personal data has been developed through the practice of courts of general jurisdiction.

It is worth noting separately how courts have interpreted “creation” of information; in particular, the courts have stated that, when gathering information, an administrative body relies only upon the information contained in its database. According to the court, an administrative body is not responsible for carrying out any proactive actions to help any individual person obtain information.



#### **Freedom of information - a threshold between legitimate restriction and public interest**

Court practice on personal data and commercial secrets, as it has developed, has clearly shown us the need for doing additional research on these issues from different perspectives. It should be noted that in the reporting period court decisions have effectively served to confirm that administrative bodies are lawfully classifying various public information as secret. Research conducted in the first phase of the project demonstrated that courts interpret personal data of public officials too broadly. For this reason, we conducted a comparative analysis of how personal data and commercial secrets are regulated by laws and jurisprudence in various countries around the world. In selecting the examples to discuss in the research paper, we focused on both developed and developing countries, as well as regional patterns that have developed.

The research revealed that the practice as adopted in Georgia is not compatible with the experience of the international community, especially when it comes to publicity of personal data of public officials. GYLA expresses its hope that the research paper will be a valuable practical tool for any individual working in the field of freedom of information.

## MONITORING OF WORKS PERFORMED TO ASSIST INTERNALLY DISPLACED PERSONS (IDPS)

In the previous reporting year, GYLA published a Report on monitoring the spending of international assistance funds allocated by donors for the provision to IDPs of homes. The Report included monitoring results on the spending of financial resources towards the construction and rehabilitation of residential apartments. In the current reporting period, GYLA continued to work in this direction. This time, we studied the lawfulness, purposefulness and effectiveness of purchases to improve infrastructure and ensure water and natural gas provisions to the residential apartments constructed and/or rehabilitated for IDPs.

The research identified problems such as submission of incomplete documentation by the Municipal Development Fund to the State Procurement Agency, no regard to the needs of local residents when planning works in the relevant regions, the failure to eliminate defects or to handover certificates of completion in cases of incomplete performance of the parties' contractual obligations.

## ISSUANCE OF PERMITS FOR OUTDOOR PEDDLING ON THE TERRITORY OF TBILISI

During the reporting period, GYLA studied the lawfulness of certain decisions by the "Tbilisi Architectural Service" in regards to the issuance or denial issuance of permits for placing temporary buildings and/or equipment for the purpose of outdoor peddling in the territory of Tbilisi. The study has shown that according to the decisions made by the Architectural Service, certain legal entities, unlike other interested applicants, have been treated with privilege.

In addition, regulations on the issuance of permits for the placement of temporary buildings and/or equipment for outdoor peddling require more specificity and amendments made to these legal acts need to have better reasoning.

## A NEEDS ASSESSMENT STUDY ON THE UPCOMING SWITCHOVER TO DIGITAL BROADCASTING

GYLA conducted a study of needs concerning the upcoming switchover to digital broadcasting. The study is based on international regulations and the practice of countries that are in an advanced position in this regard. We studied and analyzed the obligation Georgia assumed toward the international community to switch the country over to digital broadcasting before 2015. If Georgia fails to do so, the international community will bear no responsibility if other countries appropriate the available frequencies. The study analyzed the experiences of the United States, the Netherlands, Sweden and other countries in order for Georgia to make this expensive change with the benefit of the best known practices.



## PUBLIC INFORMATION DATABASE

During the reporting period, GYLA created a public information database, which contains requests for public information sent by GYLA to public institutions and replies received in response. In addition to processed data, the database allows for downloading original documents.

In creating the database, GYLA was guided by a principle of maximum transparency; and it tried to ensure that any public information it has obtained was accessible to the public in the most convenient way. The database is located at GYLA's website and any interested person is free to use it.

## GYLA'S MEMBERSHIP IN COALITIONS

On 14 April 2011, a **Coalition for Media Advocacy** was created. The coalition unifies 11 organizations. The goals of the Coalition are a) to improve the media environment in the country; b) to protect interests of media owners and journalists; and c) to strengthen the role of media in Georgia's democratic development. The Coalition's priorities are to ensure media transparency and access to public information, to monitor the activity of the Georgian National Communications Commission and the Public Broadcaster, to propose and lobby amendments to legislation governing the media, to observe compliance with the law and to respond to violations, and to protect journalists' rights and the financial independence of the media. Activities of the coalition are coordinated by GYLA's representative.

In Spring 2011, a **Coalition for Independent and Transparent Justice** was created. 29 organizations are part of the Coalition. It should be noted that in addition to human rights organizations, various foundations and business associations are members of the Coalition. The goal of the Coalition is to facilitate to accountability of the State and involvement of civil society in order to achieve independent and transparent justice. The chairperson of GYLA was elected Head of the Coalition. In its first year of operation, the Coalition's priorities have been transparent justice, appointment/dismissal of judges and administrative offences.

In the reporting period, GYLA became a **member of the Steering Committee of the Coalition for the International Criminal Court**. The Coalition for the International Criminal Court was founded in 1995 and it unites 2,500 civil society organizations from 150 countries. Goals of the Coalition are to strengthen international cooperation with the ICC; to ensure that the Court is fair, effective and independent; to make justice both visible and universal; and to advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

In the reporting period, members of the Coalition held their regular large-scale meeting in South Africa, which GYLA's representative attended.

## GYLA'S PARTICIPATION IN THE LAW-MAKING PROCESS

As one of the means to achieve its Charter goals, GYLA is participating in the law-making process. In particular, GYLA is involved in drafting legal opinions on draft laws proposed to the Parliament and by submitting GYLA's own legislative proposals offering new or additional regulation of problematic issues. By drafting and proposing impartial, independent and expert evaluations of draft laws, GYLA tries to promote adoption of such laws by the Parliament which are consistent with international human rights standards.

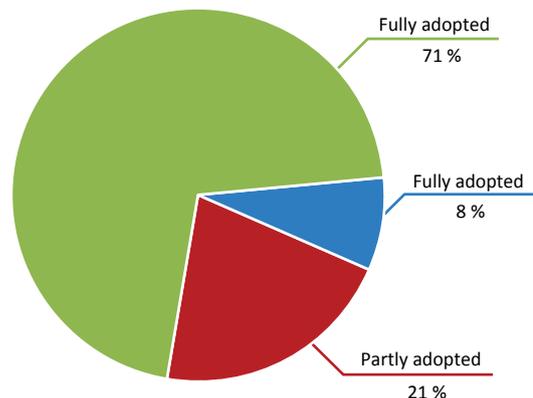
The accelerated working tempo of the Parliament, individual violations of law-making procedures and other problematic issues remained a serious challenge during the reporting period. GYLA submitted legal opinions to the Parliament concerning 23 draft laws during the reporting period; some of these specific draft laws were:



1. Draft constitutional law on amendments and Addenda to the Georgian Constitution;
2. Draft law on addenda to the Law on Occupied Territories;
3. Draft law on amendments to the Law on Public Service;
4. Draft law on addendum to the Law on Incompatibility of Interests and Corruption in Public Service;
5. Draft law on amendments and addenda to the Imprisonment Code;
6. Draft law on the Partnership Fund;
7. Draft law on amendments and addenda to the Law on Broadcasting;
8. Draft law on amendments and addenda to the Administrative Offences Code;
9. Draft Law on Freedom Charter;
10. Draft law on amendment to the Criminal Procedure Code;
11. Draft law on addendum to the Law on Assembly and Manifestations
12. Draft law on amendment to the Criminal Code;
13. Draft Administrative Procedure Code with a package attached thereto.

In most cases, the Georgian Parliament did not take GYLA's recommendations into consideration regardless of the fact that the recommendations were well founded. However, as usual, GYLA's recommendations and opinions have been an object of high interest for the media and international organizations. Of the 23 legal opinions submitted in the reporting period, the Georgian Parliament fully adopted 2, partly adopted 4 and completely rejected 17.

Statistics on taking GYLA's recommendations into account by the Georgian Parliament are shown below:



GYLA's recommendations that the Georgian Parliament did take into consideration:

**1. Amendments to the Law on Assembly and Manifestations.** To the effect of replacing the flat prohibition on holding a gathering or protest within a 20-meter radius of the entrance of court buildings, GYLA proposed, and the Parliament agreed, that the court should have the power to impose such a restriction in consideration of the requirements of public interest, taking into account existing circumstances and needs. In addition, as a result of GYLA's recommendation, employees of the prosecutor's office will not be prohibited from taking part in gatherings or manifestations. A provision of the draft law flatly prohibiting participants at a gathering or protest from having items or substances which could endanger the lives or health of others, was amended to require a specific purpose in having such objects in order for them fall under the list of prohibited items, specifically, possession with the intent of inflicting damage to other individuals' lives and

health. The Parliament partially agreed with GYLA's proposal and added a provision to Article 112 saying that a gathering or a protest cannot be subjected to limitation if the rights of those residing or working in the vicinity of the protest are affected "for a short time period". At GYLA's request, the Parliament deleted the words "insulting actions" against buildings, monuments and memorials having historical, archeological, architectural and/or scientific value. Instead, they were replaced with the words "other interference with". Taking into account GYLA's opinion, the Parliament deleted a provision from Article 13 of the draft law that authorized law enforcement authorities to end a gathering or protest and break up the rally in cases of individual (not wholesale) violation of the law by participants and/or an unlawful blocking of a transport thoroughfare; instead, under the changed language, law enforcement authorities now have the right only to eliminate the violation and/or restore the movement of transport and not to end the gathering or protest. Based on GYLA's proposal, it was specified that the person in charge of the rally has an obligation to call on rally participants to eliminate the violation or blockage of the thoroughfare within 15 minutes and, thereafter, to ensure this happens within a reasonable time.

**2. Amendments to the Law on Recognition of Georgian Citizens as Victims of Political Repression and Social Guarantees for the Repressed.** Upon GYLA's recommendation, the Parliament added clarity to the definition of an individual eligible for monetary compensation and a list of circumstances courts should take into consideration when determining the amount of compensation.

**3. Addenda to the Administrative Procedure Code.** Upon GYLA's recommendation, the law now specifically stipulates that victims of political repression whose cases have already been decided by courts shall have the right to address the courts once again.

**4. Amendments to the Law on State Procurement.** The Parliament agreed with GYLA's recommendation that a simplified procurement procedure - a non-competitive means - will not be used in every case under 50,000 Lari but only if the procurement is related to "defense, security and upholding of a public order".

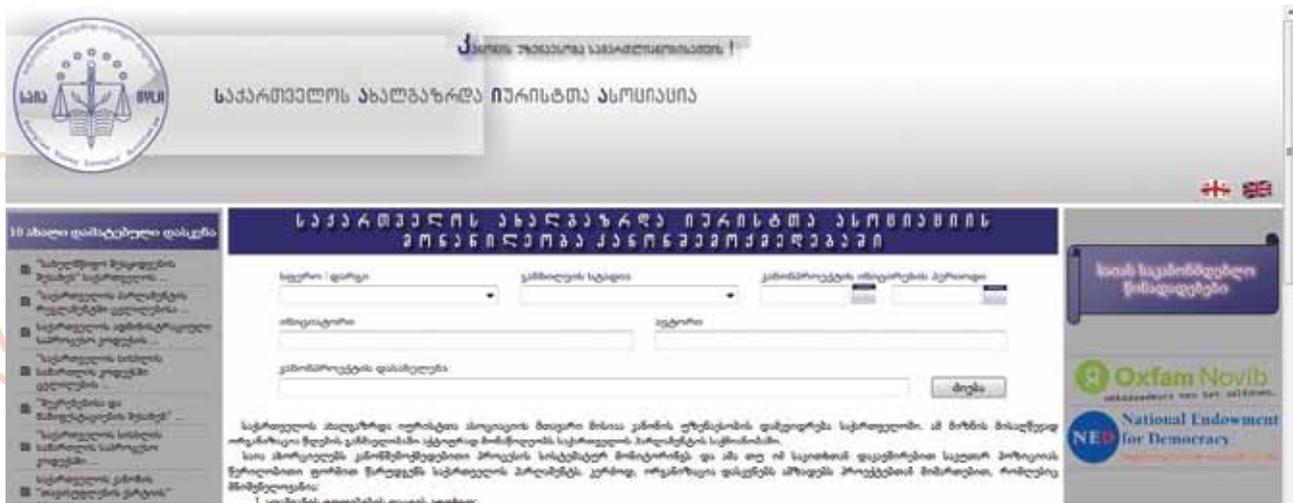
**5. Addendum to the Law on Incompatibility of Interests and Corruption in the Public Service.** Upon GYLA's recommendation, the Parliament broadened the list of public officials to include not only a State Minister and a Deputy State Minister but also "a head of structural unit of the office of a State Minister and persons equated to him/her"; to-date, there are 17 such individuals.

**6. Amendments to the Law on Broadcasting are worth mentioning separately.** The Center for Legal Protection of the Media and GYLA's parliamentary secretary have successfully contributed to the making of amendments and addenda to the Law on Broadcasting that have helped increase transparency and accountability of media owners. GYLA actively participated in all phases of the draft law and prepared its own legal opinion concerning the issues in question. The Parliament agreed with some of GYLA's proposals such as the inadmissibility of even 10% ownership by entities registered in offshore zones, articulating the definition of a beneficiary owner in clear terms, etc. Amendments and addenda made to the Law on Broadcasting on 3 April 2011 have been largely considered by civil society as a success.

### Legislative proposal

During the reporting period, GYLA submitted only one legislative proposal to the Parliament, specifically, for amending the Law on Internally Displaced Persons (IDPs). The proposal suggested allowing the granting of IDP status to not only citizens with only Georgian citizenship but also those having a foreign citizenship in addition to their Georgian citizenship (dual-citizenship). The proposal also envisages new formulations of individual provisions of the Law to the effect that an IDP status that has been terminated may be restored on

after being granted Georgian citizenship or Georgian and a foreign citizenship (dual-citizenship). The Georgian Parliament has not review GYLA's proposal yet. In the next reporting period, GYLA is planning to strengthen its activity in proposing legislative proposals and to proactively offer the Parliament new ideas in areas such as the judiciary, media transparency and labor law.



GYLA's legal opinions are legislative proposals can be viewed in a special database at [www.gyla.ge/legislature](http://www.gyla.ge/legislature).

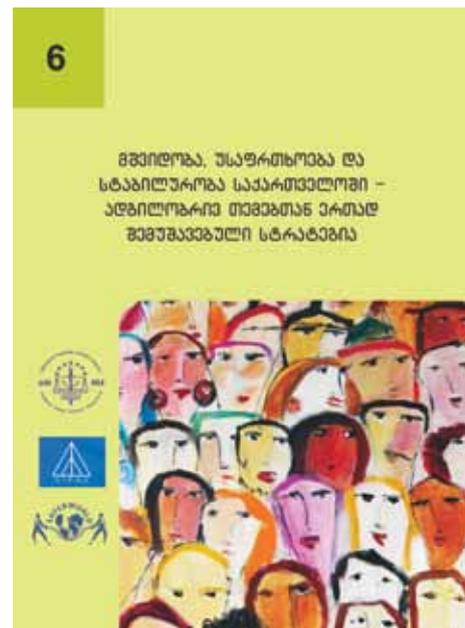
## MORE INFORMED AND EFFECTIVE POLICY ON PEACE, SECURITY AND STABILITY

The Caucasian Institute for Democracy and Development, the Georgian Young Lawyers' Association and Safer World are implementing a program to help a broad-range of the public in four target areas (Samegrelo, Shida Kartli, Kvemo Kartli and Samtskhe-Javakheti) analyze and plan issues related to peace, security and stability. The project is also aimed at facilitating more constructive discussions between representatives of the public and the decision-makers.

To achieve these goals, a group of 10-15 people was created in each of the 4 regions mentioned above. Each group was composed of individuals having some experience working on issues of conflict as well as representatives of various professions. During the year, the groups were trained in providing consultation services, gathering and analyzing information and making public announcements. The groups held consultations with members of a broad segment of society on challenges of peace, security and stability. The process envisaged meetings also among groups from the 4 regions to discuss perspectives of and share strategies for their respective regions.

As a result of this process, the groups developed a national strategy that emphasizes important issues for the country and discusses each of these issues in the light of peace, security and stability. The strategy also analyzes the impact of these issues at the national level, identifies their causes and proposes solutions to them.

Based on the strategies elaborated, 5 public discussions entitled



“Planning peace together” were held, enabling representatives of the Government and society to discuss the proposed approaches to challenges such as peace, security and stability in Georgia and to plan effective management measures.

Each of the discussions was focused on a specific issue viewed by the local population as being the most important for their respective region; in particular, the following issues were discussed:

**Shida Kartli: Ensuring national security for individuals residing across the administrative border;**

**Samtskhe-Javakheti: Facilitating the economic development of the regions;**

**Kvemo Kartli: Integration of national minorities into the country’s social and political life;**

**Samegrelo: Challenges of establishing a dialogue and more contacts among Georgians, Abkhazians and Ossetians.**

Members of central and local authorities participated in the discussions. In addition, the discussions were filmed shown later through local televisions.

A concluding meeting of the public discussion process entitled “Planning peace together” was held in Tbilisi involving representatives of international and non-governmental organizations, political parties and State bodies. Judith Gough, Ambassador of the United Kingdom in Georgia, opened the meeting. The participants discussed both the strategy document developed within the project and results of discussions held in the regions.



The project participants also drafted and published a brochure entitled “Results of the August War: who does what and how this affects the lives of individuals”. The brochure describes the policies and action plans of key players and their impact upon the everyday lives of regular human beings. The publication was disseminated in the target regions and received positive feedback.

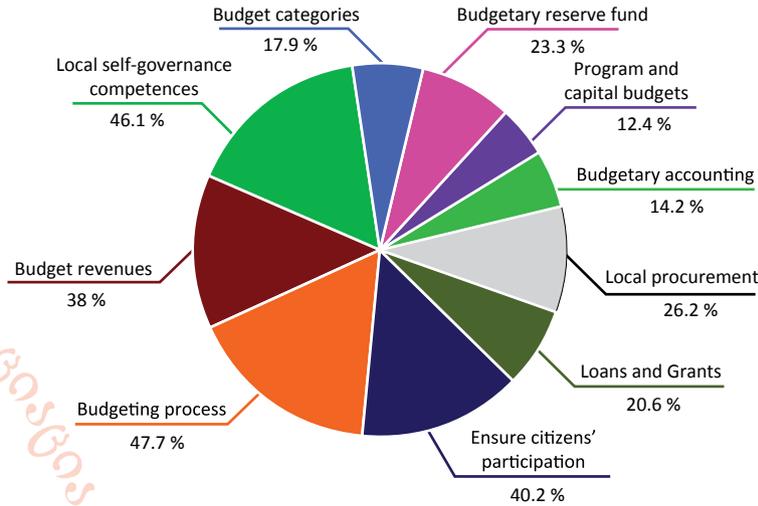
## FACILITATING CITIZENS’ INVOLVEMENT IN THE DECISION-MAKING PROCESS AT THE LOCAL LEVEL

The Georgian Young Lawyers’ Association, together with its partner, International Society for Fair Elections and Democracy, carried out an awareness raising campaign for active citizens and civil society organizations in Georgia’s 63 municipalities and self-governing towns. Through monitoring local self-governance bodies, the campaigning activities were aimed at raising the skills of citizens and local community organizations, making local residents more active through involvement in local problems-solving processes, strengthening transparency and accountability in local self-governance bodies and increasing the role of political parties (political subjects) in dealing with local problems.

During the reporting year, representatives of local self-governance bodies were trained in citizens’ involvement in self-governance affairs, functions of local self-governance bodies and the budgeting process. In total, 1022

representatives of local self-governance bodies from 63 Georgian municipalities were trained.

Issues that the training participants were most interested in are shown on the below diagram in percentages:



Representatives of local self-governance bodies evaluated the trainings positively stating that such activities would help not only increase the skills of newly-elected members of Sakrebulo (local legislative bodies) but promote cooperation between the population and self-governance bodies.

In order to make citizens more active and involved in monitoring the work of their local self-governance bodies, a number of useful activities were also implemented. 15 educational tours were conducted covering the entire territory of Georgia, involving 251 active citizens and 36 local non-governmental organizations. The goal of the educational tours was to get to know the local non-governmental organizations and to share experience with active citizens.

In addition, an essay competition was held within which citizens submitted 48 essays on the following topics: "I and my self-governance body", "Self-governance bodies in the service of the people?!" and "If I was a member of the Sakrebulo". The 7 best essays were selected.

At the initiative of active citizens involved in the project, a photo exhibition was held in the self-governing town of Batumi. Active citizens exhibited their photos taken in Batumi and the municipality of Kobuleti which depicted local problems. Later, active citizens conveyed similar problems and results of the work of local self-governance bodies onto a photo paper in other regions of Georgia, thereby carrying out a sort of a photo-monitoring of local authorities.



Monitoring of local self-governance bodies. In order to help increase the transparency and accountability of local self-governance bodies, citizens have monitored the activities of these bodies through requesting public information from Sakrebulo and attending Sakrebulo sessions. Monitoring was carried out of not only the problems identified in the course of the project but also the promises given by the local authorities to the population in 2009 within the “Development of democratic institutes in Georgia for fair election process and active civic involvement” project. Monitoring showed that out of a total of 38 promises, 22 issues were resolved, 6 promises were partly honored and 10 promises were not fulfilled.

Within the project, active citizens addressed their local self-governance bodies in writing and petitioned for resolution of issues falling within their competence. As a result of this process, 43 issues out of those submitted by the local population and active citizens to local authorities have already been resolved and promises have been obtained that 65 other issues will be taken care of in the future.

#### Types of problems resolved and their statistics are shown below:

- Roads were repaired and sanitary-hygiene problems (such as timely removal of household wastes and addition of garbage removal trucks and trash boxes) were resolved in 5 municipalities of Georgia;

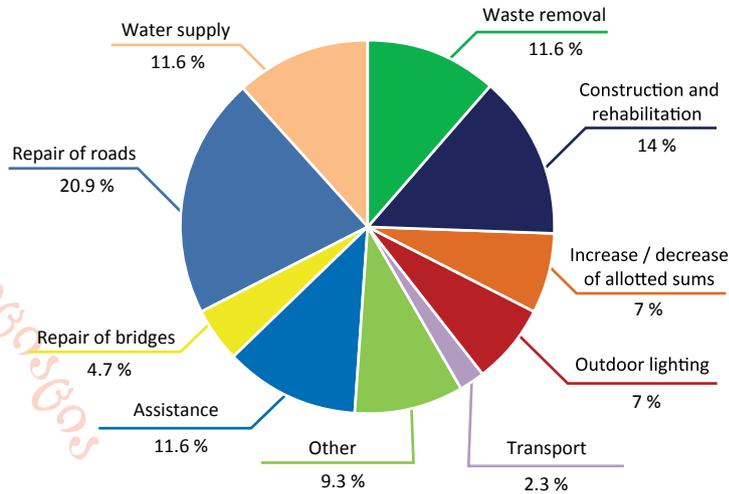


- Water supply pipes and sewage systems were repaired in 4 municipalities;
- Social assistance was provided to local residents in 3 municipalities;
- Through the efforts of the local self-governance bodies, outdoor lighting problems were resolved in 2 municipalities; issues of installing electricity meters for individual families were positively resolved; municipal sewage channels were repaired and dikes were reinforced; in the 2011 budget, sums were allocated to fence a school's territory and rehabilitate a town square; taking into account the active citizens' observations, unnecessary costs were deleted from the local municipality budget.
- The following activities were carried out in various municipalities: testing of water quality; repair of a bridge; increase in the financing of a library; allocation of additional

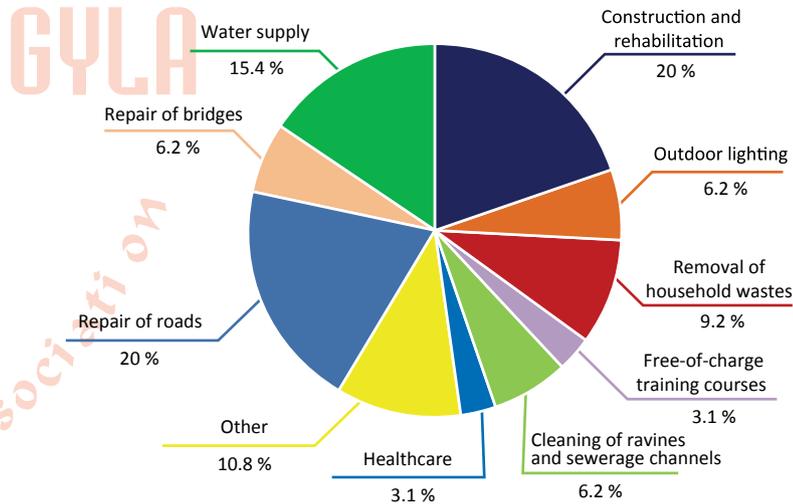


public transport; repair of a cultural center; cleaning of a ravine; repair of an outpatient clinic; repair of a kindergarten facility and a road leading to the kindergarten; rehabilitation of the sports arena of a school; timely provision to the population of the upcoming sessions of Sakrebulo and their respective agendas.

#### Results achieved:



#### Promises:



In order to inform the broader public about the activities carried out and achievements made within this project, as well as the local monitoring results, 3 short-length documentary movies were shot.

Having in mind the results of the project, it may be said that the implemented activities did their job and certain groups of society in all of the regions of Georgia have been equipped with the skills necessary to resolve problems independently, thereby encouraging representatives of self-governance bodies to take the interests of local residents into account when performing their functions. The Georgian Young Lawyers' Association and the International Society for Fair Elections and Democracy rewarded 18 local self-governance bodies (Sakrebulos) and 43 active citizens for their activeness and cooperation.

Of the 25 projects financed by the European Union, the project implemented by GYLA and the ISFED earned special appraisal and was named as one of the best projects. In evaluating our project, it was pointed out

that, from a practical standpoint, “the people’s manifest” managed to achieve its major goal of contributing to an inclusive decision-making process at the local level, increasing the possibility for citizens to better be involved in the decision-making by local self-governance bodies and to establish a tradition of monitoring by local residents of the activity of their respective local self-governance bodies.

## GYLA’S ACTIVITIES TO IMPROVE THE ELECTION ENVIRONMENT

In November 2010, with the support of the Chairman of the Parliament of Georgia and the International Foundation for Election System, a multi-political-party group was created to work on improving the Election Code. The group worked on eliminating shortcomings in election legislation.

In cooperation with three non-governmental organizations – the International Society for Fair Elections and Democracy (ISFED), Transparency International Georgia (TI Georgia) and the New Generation – New Initiative (NGNI), the Georgian Young Lawyers’ Association observed the negotiations led by the group. Based on our experience gained through election monitoring, GYLA elaborated and presented its recommendations in 20 towns on issues regarded as indispensable preconditions for perfecting the election environment. The recommendations tackle issues such as provisions governing complaints procedures, election precincts created in exceptional circumstances, the making of a voters’ list, pre-election campaigning, financing of political parties, the general election system and the staffing of the election administration. After the presentation of the recommendations, members of the public expressed their views on the topics in questions.

Over the entire year, GYLA has been actively involved in different formats engaged with working on the improvement of the election environment. In the beginning, GYLA was observing the work process within the format of the so-called “political 8”; later, it monitored the work of the technical group created in accordance with the agreement reached among the political parties.

In addition, the Georgian Young Lawyers’ Association, together with Transparency International Georgia and the International Society for Fair Elections and Democracy, elaborated a package of recommendations necessary to improve the election environment and drafted its opinion on the new Election Code.

According to the opinion, the political agreement reached among the political parties on 27 June 2011, later enshrined in the new Election Code, do not ensure an improved election environment, much like other amendments envisaged by the draft Code.

On 30 September 2011, GYLA and its partner organizations presented their views on issues, which are necessary to include in the appropriate legislation to actually improve the election environment, to representatives of the international community, non-governmental organizations and political parties. We are also planning to continue working actively with the Georgian Parliament, the media and other interested subjects to the effect of improving the election environment.

## TRIAL MONITORING TO PROMOTE FAIR TRIAL STANDARDS

GYLA monitors trials in order to contribute to the establishment of fair trial standards, to ascertain compliance with the requirements of national and international law in the process of judicial reform and to monitor compliance with international standards of human rights and the exercise of the right to fair trial.

During the reporting period, we carried out preparatory works to that effect and only one pilot monitoring.

Goals, objectives and the methodology of the trial monitoring to be carried out, as well as expected results of such monitoring, were determined in May 2011. With the assistance of a foreign expert, we then elaborated questionnaires that will be used for trial monitoring purposes.

Through a competitive process, we selected and trained 4 monitors. Implementation of a pilot phase of the monitoring started on 1 June. Monitors attended randomly-selected trials on a daily basis. Each day, each monitor would attend 5 or 6 trials on average. During a two-month period, the monitors attended a total of about 540 court hearings. The filled-out questionnaires were analyzed and evaluated according to guidelines elaborated at the preparatory stage (based on standards enshrined in international law and Georgian legislation). The following were specifically evaluated: the right to public hearing; the right to a competent, independent and impartial court; the right to speak with a lawyer at the pre-trial stage and the right to have sufficient time and facilities to prepare a defense; equality of parties and the adversarial nature of the process; the right to prompt justice; the right to have a motivated decision of a court in conjunction with the right to personal liberty, etc.

The monitoring revealed violations of individual principles of criminal proceedings such as the right to a public hearing, the right to have one's case adjudicated impartially and the right to use a translator's assistance. In a majority of cases, our monitors identified a general trend of judges rejecting the defense party's motions (including, motions for calling and examining witnesses).

In addition, at a majority of the trials monitored, the defendants were ordered to detention pending trial without either the judge or the prosecutor explaining why detention was the only appropriate measure to use in the given case and why other, less strict measures, could not be used.

Following the completion of the pilot phase of the monitoring, we reviewed and perfected the monitoring methodology and the questionnaires. Currently, we are in the process of the second phase of monitoring trials.

## ANALYSIS OF ALLEGEDLY POLITICALLY-MOTIVATED CRIMINAL AND ADMINISTRATIVE CASES

The Georgian Young Lawyers' Association carried out a legal analysis of a number of criminal cases and cases of administrative offences. The research covered cases of persons arrested / detained during and after the protest rallies in spring 2009. We saw the necessity of doing this research after local communities and international representatives actively began to talk about the existence of political prisoners in Georgia. While selecting cases for this analysis, we took into consideration the high public interest toward individual cases as well as the alleged political motivation on the part of State authorities in pursuing criminal prosecution and administrative proceedings against certain individuals.

The purpose of the research was to study the cases and ascertain to what extent political motives could have affected pre-trial investigation or trials in these cases. To this end, we analyzed whether relevant substantive law and procedural law requirements had been complied with.



24 cases were selected for the research, including 6 administrative offence cases and 18 criminal offence cases. The principle of regional coverage was taken into account in selecting these cases. We also selected eleven criminal cases, in which the charges presented were basically for illegal possession of firearms and narcotic substances, because at that time the number of rally participants and opposition activists arrested on these charges increased dramatically. Other cases were identified to be relevant for the research on account of the fact that the arrested individual was either well-known in the public or was involved in political activities (or his/her relatives or close people were involved in political activity).

The legal analysis of the cases selected for the research revealed serious shortcomings in the course of the administration of justice against persons who can be regarded as opposition to the current government due to their own or their close relatives' or friends' political or public activity. These shortcomings were encouraged by setbacks in the legislation and the incorrect interpretation of the procedural legislation, as well as by established bad practices. In the cases we analyzed, any doubt generated on the basis of imperfect legislation or lack of sufficient evidence was, as usual, interpreted to the detriment of the detained person (the accused or the indicted person). Arbitrariness by investigation authorities was also not curbed by the judiciary, which agreed with the prosecution in every detail without any deliberation, and whose role in the process of administration of justice is extremely limited.



Results of the research were presented to the public in June this year. Representatives of international and local non-governmental organizations, diplomatic corps accredited in Georgia and opposition political parties attended the presentation. The research evoked a strong response on the part of international and local organizations and members of society.

It should be mentioned that GYLA has already started doing a similar research on persons arrested on account of the 26 May 2011 events.

## QUALIFIED AND CONTINUOUS LEGAL EDUCATION AND DEVELOPMENT OF THE LEGAL PROFESSION

Professional betterment of young lawyers, development of the legal profession and the establishment of legal and civil education systems compatible with international standards have been, and will continue to be, one of the most important strategic directions for the Georgian Young Lawyers' Association. In pursuit of this, during the reporting period GYLA actively continued its educational activities at national and local levels. Alternative continuous legal education opportunities for youth, development of specific skills (constructive debating, trial advocacy, legal writing, techniques of preparing legal documents), targeted trainings and public discussions, permanent information updates and legal publications – these are the opportunities GYLA's Legal Education and Information Center and its Foundation for the Support of Legal Education (FSLE) are offering to individuals interested in the legal profession.

The Foundation and the Education Center implemented the following activities in the reporting period:

- Yearly 6-month courses in Tbilisi in all areas of law
- Law courses in Kutaisi, Akhaltsikhe and Batumi
- In-house and national tournaments in the art of Parliamentary debate in Batumi, Gori, Kutaisi, Telavi and Tbilisi
- Olympiad “Young Lawyers for Constitutional Rights” in the Constitutional Court of Georgia
- Moot courts in the Supreme Court of Georgia
- Law seminars and trainings for both GYLA's Legal Aid Center lawyers and other attorneys and interest groups
- Public discussions on important novelties and problematic issues
- Development of methodology of teaching the law
- Replenishment of GYLA's legal library with new legal literature
- Publication of law textbooks

### EDUCATION COURSES

GYLA's Foundation for the Support of Legal Education is paying special attention to the functioning of our 6-month education courses. In the academic year of 2010 – 2011, a total of 200 students applied to the Fund. Of this number of students, only 80 students were selected through a competitive selection process. Over a six-month period, these selected students were educated in the following subjects:

- Introduction into law
- Civil law
- Criminal law
- International law

Following the completion of the course, 70 students were allowed to attempt the final examination. 35 students earned joint diplomas from GYLA and the Foundation and the remaining 35 students were awarded certificates of attendance.

At the end of the course, following established tradition, the Foundation organized moot courts in the Supreme Court of Georgia with the participation of the Foundation students. The moot trials were evaluated



by a jury composed of judges, lawyers, public officials and industry specialists.

Education courses were available not only in Tbilisi but also in Batumi, Kutaisi and Akhaltsikhe. The total number of students enrolled in the courses in the regions was 75. The courses in the regions were taught by both highly qualified local experts and those sent from Tbilisi.

### Debating skills

Professional betterment of law students in constructive debating skills remains the Foundation's priority. During the reporting period, the Foundation organized debate courses in Tbilisi and 5 regions of Georgia. By attending the courses, students were able to learn constructive debating skills, prompt thinking and analytical skills; they also were able to master the skills of collecting and processing information on legal and global issues.

At the beginning of May, the Foundation organized an in-house debate tournament and selected both winning teams and best individual debaters. At the end of May, as has been our tradition, a national debate tournament was held in Tbilisi in which winning teams from Tbilisi and from the regions took part. The participants debated issues such as national security, environmental protection and natural resources.

Best individual debaters and winning teams were awarded various legal literature and gifts. The winner of this year's national debating tournament was the Introductory Law Team of GYLA's Foundation for the Support of Legal Education.

### "Young Lawyers for Constitutional Rights" Olympiad

GYLA's Education Center continued its tradition this year of organizing an Olympiad entitled "Young Lawyers for Constitutional Rights," held at the Constitutional Court, and in cooperation with GYLA's Foundation for the Support of Legal Education and the Georgian Constitutional Court, and with the financial assistance of the German Foundation for International Legal Cooperation (IRZ).

Up to 100 teams from all over Georgia expressed their desire to participate in the Olympiad. Unfortunately, the number of interested students from the regions was very low and 99% of applicants were from Tbilisi's universities. Based on pre-determined criteria, 8 teams were selected: 7 from Tbilisi and 1 from Batumi.

On 10 – 12 December, selection rounds as well as semi-final and final rounds were held at the Georgian Constitutional Court. Ketevan Iremadze, Judge of the Constitutional Court, presided over moot court sessions; while other members of the bench consisted of industry specialists and a German judge.

The Olympiad closed on 12 December. Giorgi Papuashvili, Chairman of the Constitutional Court, addressed the participants with a speech, and awarded a special prize from the Constitutional Court to a member of the Iv. Javakhishvili Tbilisi State University team as the “wizard” of constitutional law. A member of the Tbilisi State University team was also honored with IRZ’s sympathy prize: the student visited Germany for a week together with a Georgian delegation and had the chance to participate in meetings and events held in German courts and other official institutions.



All of the participants of the Olympiad received joint certificates of IRZ and GYLA. The Caucasus Law School won the Olympiad and was awarded a transitory prize with the script “Young Lawyers for Constitutional Rights” on it. GYLA, the Constitutional Court and IRZ presented various legal literature and valuable gifts to each participant of the Olympiad.

### Public discussions

During the reporting period, the Foundation for the Support of Legal Education enhanced its newly-established tradition of holding periodic public discussions on various problematic issues and legislative novelties. GYLA’s lawyers, students and other interested persons participated in the discussions.



The Fund organized public discussions on the following topics in the reporting period:

- The inter-State dispute between Georgia and Russia concerning the wholesale deportation of Georgian citizens from the Russian Federation;
- Jury trials in Georgia;
- State debt arising from incomplete construction of cooperative residential apartments.

Representatives of various State bodies and higher education institutions, as well as independent experts, were invited to the discussions as experts. Following the presentation of the experts’ views, a discussion opened in which invited guests as well as the Fund’s students actively took part.

## SEMINARS AND TRAININGS

GYLA continues its tradition of raising the qualifications of its staff as well as those of different interested groups in regards to important legislative news and problematic legal issues.

In November 2010, a **training seminar in tax law** was held for the attorneys and consultants of GYLA's Legal Aid Center. 20 GYLA employees attended.

In July 2011, a two-day **training in the new Criminal Procedure Code** was held for GYLA's lawyers. The training was conducted by certified trainers from the American Bar Association (ABA) as well as practicing trial lawyers. The training tackled all the new provisions and challenges introduced by the new Code. 25 GYLA trial lawyers and consultants took part in the training.

**During the reporting period, with the financial assistance of the Council of Europe, four training seminars were held for various groups of trial lawyers.** The seminars were entitled "Compatibility of the practices of investigating ill-treatment complaints with the European standards". Experts invited to the seminars included the Georgian Public Defender, an expert from the Council of Europe and a Team Leader of a European Union project "Support to the Office of the Public Defender".

Our Education Center actively cooperated with the Georgian Bar Association in selecting the participants. 140 practicing lawyers and other individuals interested in criminal law took part in the four seminars. 40 lawyers were from the regions.

**The Council of Europe also financially supported 3 trainings in Tbilisi and Achara on the topic of "European**



**standards of human rights"** for representatives of non-governmental organizations and students. 75 individuals attended the 3 trainings.

In the reporting period, with the financial support of the Open Society – Georgia Foundation (OSGF), a training seminar entitled "Human rights in the area of patient care" was held. 25 judges, prosecutors and attorneys participated in the seminar. Experts invited to lead the seminar included healthcare professionals, the HIV Prevention Project Director as well as the Chairperson of the Georgian National



Council of Bioethics. The seminar tackled important issues such as healthcare policy and legislation; quality of healthcare, improper practices and medical errors; historic preconditions of ethical and legal regulation of the doctor/patient relationship and basic principles of modern medical ethics and bioethics; patients' rights and their status in Georgian legislation; mechanisms of legal and ethical regulation of doctors' professional activities.

During the reporting period, with the financial assistance of the G-Media program (Georgian Media Enhance Democracy, Informed Citizenry and Accountability) of the International Research and Exchanges Board (IREX), 2 training seminars were held for journalists from eastern and western Georgia on the topic of "Freedom of expression and information in Georgia: existing problems and current challenges". The seminar was dedicated to such important issues as international and constitutional standards on freedom of expression and information; legal grounds for limiting the freedom of expression; broadcasters, printed media and Internet media – different regulations; licensing (i.e., activities subject to mandatory licensing, types of licenses and statutory obligations of broadcasters); Broadcasters' Code of Conduct, scope of regulation and structure; administrative and judicial practice developed in relation to the freedom of information. 50 journalists in total attended these seminars.

In April 2011, a 2-day training on **freedom of information** was held for journalism students. 16 students from 4 Universities took part in the seminars. The participants were provided training on how to obtain public information, and informed of the rules of classifying information as secret as well as appellate procedures.

### **Promoting modern standards of legal education**

Teaching methods that have been in use in western Universities for years still remain a novelty for Georgian educational institutions. Interactive methods, case studies, problem solving, legal analysis skills and training in drafting legal documents for moot clients – none of these methods are used either widely, or even at all, by Georgian law schools.

Since its founding, GYLA has been pursuing the goal of assisting law faculties at higher education institutions to perfect their teaching methods by contributing its own resources and experience.

In the reporting period, GYLA petitioned the German Foundation for International Legal Cooperation (IRZ) for financial assistance. IRZ expressed its full readiness to not only finance the project but also to assist with organizational and substantive needs. In December 2010, the Fund, in partnership with GYLA, made it possible for 10 Georgian professors and teachers to participate in a visit at the Law Faculty of the Bonn University.

Professors and teachers from Tbilisi State University, the Georgian-American University and Georgian University, who also give lectures and seminars in other education institutions, participated in the study visit. During the visit, the Georgian professors and teachers attended lectures and seminars in civil, administrative and criminal law and had the chance to learn about the styles, methods and scope of dealing with case studies and the extent to which students are involved in this exercise.

After the study visit to Germany, the IRZ Georgia office and GYLA's Legal Education and Information Center created three working groups on criminal, administrative and civil law to work on developing a Georgian legal teaching methodology (methods of case study solving). Each group consists of 4 participants from various universities.

In order to help the groups work effectively and ease the drafting of a methodology framework, we had

the publications “Juristische Studienhilfe – Die Schemata” and “Technick der Fallbearbeitung” (Case study solving techniques) authored by Reinhard Nemitz translated into the Georgian language.

The groups have already completed most of their tasks and the material has been translated and forwarded to German professors for their comments. Once the final draft is ready, a conference will be held to bring together the German professors and representatives of the Accreditation Service of the Georgian Ministry of Education and Sciences. At the conference, professors and teachers from all of the law schools will have the possibility to get to know the final document. The conference will also serve as a forum to discuss the implementation of the proposed style of teaching.

### Information center

GYLA’s legal library remains an attractive place for law students and other people interested in law. The library serves 20 to 30 people daily on average - a majority of whom are law students from various universities and attendees of the Fund-offered education courses. The library is replenished with the newest books and other reading materials on a yearly basis. This year the library received 90 purchased and donated publications.



Library users can both borrow books and use them in the library. They are also provided with access to the Internet. In addition, our users are able to use the comprehensive database of Georgia’s normative acts entitled “Codex”, which is updated regularly. In the reporting period, the NATO Information Center opened a special corner in GYLA’s library, which the Center enriches with various publications time to time.

### Publications

The Fund is actively working on one of its most important priorities, to translate highly-rated legal books into the Georgian language and to help Georgian authors produce and publish new textbooks.

In the reporting period, with the financial assistance of the German Technical Cooperation Society (GTZ), the Fund published **The Civic Education Dictionary** containing explanations of up to 600 terms related to social and political issues. In addition to many interesting terms, the Dictionary includes general annotations on the creation and operation of influential international organizations (the United Nations, the Organization for Security and Co-operation in Europe, the World Bank, etc.) and short descriptions of historic facts and events that have had great impact upon the formation of the contemporary world such as WWI, WWII, the Cold War, etc.

The publication is designed for high-level students. 2,000 copies of



the dictionary were printed and disseminated in high schools all over Georgia.

In the reporting period, the Fund also translated and published the 7th edition of **Ian Brownlie's "Principles of Public International Law,"** which tackles basic issues of international law in modern perspectives. The book provides the reader with the possibility to have a better insight into the development of international law and contains very detailed references to sources. This translation will serve as an ideal guidebook for practitioners and as a major reading source for students.

## INTERNSHIP AT THE LEGAL AID CENTER

What matters for future lawyers is not only theory but also a good deal of practice. GYLA's Legal Aid Centers in Tbilisi and in the regions offer this opportunity to young lawyers.

The internship program, which GYLA Legal Aid Centers have been running for years, last 6 months. Internees are selected through a competitive process. During the internship, students provide legal advice, draft legal documents based on assignments of senior lawyers, participate in various trainings, and, under the guidance of experienced attorneys, represent citizens' interests in court.

During the reporting period, a total of 95 beginning lawyers undertook internship courses in GYLA's Legal Aid Centers in Tbilisi and 7 regional offices.

It should be noted that the best interns of the Center have a real chance, should there be a vacant position, to become GYLA staff members. In the reporting period, 4 interns were hired on a permanent basis by the Tbilisi Office alone. Our interns have proven successful in advancing their careers in both public institutions and the private sector.

## FINANCIAL REPORT

**Reporting Period: 1 October 2010 - 30 September 2011**

GYLA's financial report covers the period between its 17th and 18th General Assembly meetings. In this period, GYLA received grants, contributions and membership fees totaling 2,285,142.00 Lari. A breakdown of this total sum according to their sources is shown below:

Council of Europe	109,229.00 Lari
DRC	27,650.00 Lari
Embassy of the Netherlands	177,216.00 Lari
EHRAC	86,765.00 Lari
Europe Commission	233,450.00 Lari
EWMI	706,861.00 Lari
FES	15,440.00 Lari
GIP	3,875.00 Lari
HBF	2398.00 Lari
IREX	273,196.00 Lari
OSGF	207,664.00 Lari
OSI	389,881.00 Lari
SaferWorld	46,181.00 Lari

Membership fees	1,513.00 Lari
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Contributions from individuals and legal entities	167.00 Lari
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Miscellaneous income	3,665.00 Lari
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During the reporting period, GYLA employed 269 individuals for one-time jobs, including 137 in the regions, whose total remuneration equaled 1,624,260.00 Lari. One-time royalties were paid to 417 individuals totaling 236,932.00 Lari.

Income tax withheld from the reimbursements, salaries and royalties of individuals and paid to the State Budget equaled 362,192.00 Lari.

In the reporting period, GYLA purchased material assets with a total value of 251,229.00 Lari, including an office space in Kutaisi for 144,772.00 Lari and various office equipment for our regional offices totaling 36,457 Lari.

GYLA spent 67,236.00 Lari to purchase various low-value office items, including 30,303.00 Lari for such items at our regional offices.

Books and various periodicals were purchased for both the central and the regional offices of the Association for a total of 12,825.00 Lari.

GYLA spent 122,385.00 Lari in organizing seminars and meetings in Tbilisi and in the regions.

On business trips for GYLA's employees and members during the reporting period, a total of 326,536.00 Lari was spent.

The sum of the Association's office rental fees equaled 157,462.00 Lari.

GYLA's communications costs during the reporting period equalled 83,457.00 Lari, including 49,407.00 Lari by our regional offices.

In the reporting period, GYLA spent a total of 2,959,630.00 Lari, which is broken down according to sources below:

Council of Europe	82,596.00 Lari
DRC	116,968.00 Lari
Embassy of the Netherlands	122,038.00 Lari
EHRAC	47,176.00 Lari
EURASIA	107,102.00 Lari
Europe Commission	872,183.00 Lari
EWMI	292,761.00 Lari
FES	12,918.00 Lari
HBF	2,380.00 Lari
IREX	73,432.00 Lari
IRZ	19,955.00 Lari
OSGF	127,715.00 Lari
OSI	217,274.00 Lari
Oxfam NOVIB	393,734.00 Lari
R J I	72,738.00 Lari
SaferWorld	166,758.00 Lari
Sida	166,789.00 Lari
US Embassy	50,089.00 Lari
Westminster Foundation for Democracy	7,168.00 Lari

GYLA's own resources	7,856.00 Lari
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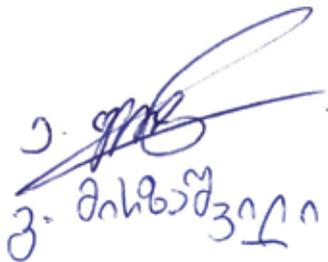
## Georgian Young Lawyers' Association Summary Balance Sheet

As of September 30, 2011

	<u>Sep 30, 2011</u>
<b>ASSETS</b>	
Fixed Assets	906,797.85
Other Assets	2,000.00
Current Assets	
Accounts Receivable	1,326,953.78
Cash at bank and in hand	792,783.19
Total Current Assets	2,119,736.97
Current Liabilities	
Other Current Liabilities	-390.32
Total Current Liabilities	-390.32
<b>NET CURRENT ASSETS</b>	<b>2,120,127.29</b>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>	3,028,925.14
<b>NET ASSETS</b>	3,028,925.14

Executive Director:

Accountant:

  
 შ. მინაშვილი



## GYLA GOVERNING BODIES

October, 2011

### The Board Members

Tamar Chugoshvili – Chairwoman  
 Qetevan Bebiashvili – Deputy Chairwoman  
 Besarion Bokhashvili  
 Tamar Tomashvili  
 Tamar Kordzaia  
 Kakha Kozhoridze  
 Nino Lezhava  
 Nino Lomjaria  
 Tamar Metreveli  
 Gagi Mosiashvili  
 Giorgi Mshvenieradze  
 Soso Pirveli  
 Diana Zhgenti  
 Lela Taliuri  
 Tamar Kaldani  
 Giorgi Chkheidze  
 Lali Chkhetia  
 Khatuna Chitanava  
 Tamar Khidasheli  
 Tinatin Khidasheli  
 Sofio Japaridze

### Heads of Regional Offices

Adjara Branch – Parmen Jalagonia  
 Kutaisi Branch – Tamar Pachulia  
 Rustavi Office – Ekaterine Pavlenishvili  
 Gori Office – Keteven Bebiashvili  
 Telavi Office – Marekh Mgaloblishvili  
 Ozurgeti Office – Tamaz Trapaidze  
 Dusheti Office – Sergo Isashvili

### Executive Director

Ekaterine Popkhadze

Responsible for publication: Ekaterine Popkhadze, Khatuna Kviralashvili  
Design: Iva Kharadze  
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