

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## GYLA to Present its Annual Activities Report 2012

Georgian Young Lawyers' Association (GYLA) will present its Annual Activities Report 2012.

Throughout the reporting period we provided assistance to more than 100 individuals and actively participated in ongoing developments in the country, legal drafting and election processes; implementation of reforms and training of students, in particular:

### Legal Aid

The central office of GYLA in Tbilisi and its seven offices in the regions provided

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continuous free legal aid to beneficiaries. Throughout 2012 we rendered free legal consultation to 110 418 individuals, prepared 12 266 legal documents, provided free legal aid to 433 citizens in matters of criminal, administrative and civil law. GYLA's lawyers successfully litigated 206 cases, including cases where verdict of not guilty was delivered; convict were pardoned; prisoners were transferred to treatment facility; administrative prisoners were released; state was ordered to pay damages in favor of a citizen; illegal fines were abolished; acts placing unlawful restrictions on citizens were repealed; various individuals registered disputed property; 118 children received alimony; individuals were restored to their workplace, etc.

## Strategic Litigation

The Constitutional Court ruled in favor of GYLA in the following two cases:

- Tamar Khidasheli and GYLA v Parliament of Georgia – continuing operative investigating activity without judge's warrant was deemed unconstitutional;
- Tamar Chugoshvili and GYLA v Parliament of Georgia – interception of personal internet communications was deemed unconstitutional.

Further, by submitting amicus curiae briefs, GYLA's opinions were shared by court on two important applications filed by the Public Defender.

Furthermore, we filed total of eight applications in the Constitutional Court on various important issues.

The ECHR ruled in favor of GYLA in Kakabadze and others v Georgia. The court found that imprisonment of five individuals for the period of thirty days constituted violation of human rights and order the state to pay compensation.

Furthermore, GYLA provided free consultation to 203 citizens and submitted 14 new applications in court.

## Protection of Media Interests

GYLA's Georgian Media Legal Defense Center prepared 266 legal documents for the protection of interests of media outlets; litigated 41 cases, including the case filed on behalf of journalists injured on May 26, 2011, which was concluded successfully.

The GMLDC was actively monitoring ongoing developments, taking immediate action on all important events, including impounding of satellite dish antennas owned by TV companies, obstructing journalistic reporting; interfering with media activities, etc.

Further, we prepared and published recommendations for journalists; provided trainings about reporting on elections and court proceedings, etc.

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## Prisoners

Free legal aid was provided to 4 102 convicts; 703 legal documents were prepared; interests of convicts were protected in 24 cases filed over ill-treatment.

As a result, convicts were pardoned, transferred to treatment facilities, etc.

Throughout the last year together with the public defender we participated in monitoring of penitentiary facilities; published two reports on ill treatment; provided analysis and recommendation about Early Release and Reprieve of Convicts for Health Problems in Georgia. We were holding rallies to protest against torture and inhumane treatment at penitentiary facilities on a periodic basis.

We are currently working on the development of alternative monitoring system and improvement of release of convicts on parole. Further, we will continue monitoring of penitentiary facilities.

## Property Rights

We paid particular attention to property rights, as one of the most problematic issues in Georgia. Throughout the year we provided legal aid to victims of property rights violations, litigated in court and in cooperation with our partners examined cases where property was transferred to the state free of charge or abandoned in favor of the state. We identified dozens of cases where citizens massively abandoned their properties in an organized manner or giving their properties to state free of charge. Detailed information is contained in a special report. We call on the investigating authorities to launch a probe in these facts.

## IDPs

This year thousands of IDPs were able to benefit from GYLA's free legal assistance. We particularly focused on raising their awareness, for them to have an accurate information about their rights and the State Strategy. To this end, we held dozens of meetings in compact settlements of IDPs.

## Anti-Corruption Monitorings

Our monitoring has revealed major threats of corruption. In 2012 we performed the following anti-corruption monitoring:

- The Process of Rehabilitation Beyond the Façade – focusing on the process of rehabilitation of old towns in Tbilisi, Kutaisi and Batumi, where a number of violations were reported;
- Building of the Parliament of Georgia in Kutaisi – the research showed that

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information about spending of funds was completely closed. It also revealed threats of corruption;

- Monitoring of outdoor lighting in Batumi – revealed violations in public procurement GYLA demanded that the cases be examined and investigated. It also lobbied proposed amendments to legislation, in order to eliminate threats of corruption. Traditionally, access to public information has been our priority. We were actively practicing making requests for public information and researching FOI standards, judicial practice and problems that exist. Research results have been published in a report Freedom of Information in Georgia.

## Participation in Legal Drafting

GYLA is constantly monitoring legislative process and preparing its own legal opinions about all important legal drafts. Last year we prepared total of 24 legal opinions for draft laws related to amending the Constitution; introducing new regulations in the Criminal Code; administrative offences, etc. Our findings were presented to parliament both in written and by means of making verbal reports during committee sessions, as well as to public.

We were particularly actively involved in the making of Constitutional amendments. Notably, it was eventually decided against increasing number of MPs as a result of active engagement of us and our colleagues.

Further, we submitted the following legislative proposals to the parliament: draft amendments to the Labor Code, and for improving anti-narcotics laws. We were actively lobbying for suspension and annulment of administrative imprisonment as a liability measures.

We constantly kept public informed about legislative processes, introducing them our legal opinions about pending legal drafts, which has always been of high public interest.

## Elections

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We were monitoring election processes throughout the year. We participated in the process of elaborating amendments to the Election laws. We were one of the initiators and active members of the It Affects You Too Campaign. Eventually, in cooperation with our partner organizations we succeeded in making amendments of utmost importance to the Law of Georgia on Political Unions of Citizens, as well as in introducing the Must Carry – Must Offer regulations, which played a crucial role in election processes.

We periodically made daily statements about daily monitoring of the pre-election period, which drew extremely high interest from the media. We prepared two summary reports about the pre-election period.

We deployed 350 observers in 35 election districts throughout the country to monitor the elections. On Election Day and afterwards, we actively kept the public informed about the course of election processes. Total of 147 applications/complaints were drawn up on Election Day.

Based on the complaint we filed, results of several precincts in Khashuri N35 District were abolished and repeat elections were scheduled.

## Judicial Independence

We laid particular emphasis on increasing judicial independence and ensuring the right to a fair trial. In cooperation with our partners under the auspices of the Coalition for Independent and Transparent Judiciary we prepared analysis and subsequent recommendations for institutional problems in the judiciary. Notably, these recommendations served as grounds for the ongoing judicial reform and will soon be considered in the parliament. We believe that this was a particular success and the work we had done had a great impact in determining the path of reforms in the hands of the new government.

Further, throughout the year we were monitoring criminal cases in Tbilisi City Court. The monitoring revealed important violations and deficiencies. Presentation of the report of the first 6 months was held both in Tbilisi and in the regions, while the following report will be published in the nearest future.

We examined a number of criminal and administrative cases with alleged political motivation. The first report incorporates analysis of 33 cases, discussing in detail the violations involved. Later we plan to publish another report.

## Raising Awareness

GYLA's offices in the regions have been implementing campaigns for raising

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awareness throughout Georgia and on a systematic basis. Workshops and trainings were provided for public servants, lawyers, NGOs, media and political party representatives. There were total of 11 460 participants in up to 600 trainings/workshops held.

We conducted bus tours to reach out to individuals who had difficulty coming to us. GYLA's offices in the regions conducted bus tours in different cities and villages on a systematic basis, with the aim of providing legal aid to local population and raising their awareness. During the reporting period more than 300 bus tours were conducted, where up to 7000 individuals received free legal consultation and aid.

## Legal Education

The Foundation for the Promotion of Legal Education founded by GYLA provided a six-month training courses to 70 students specializing in various fields. The courses provided an opportunity to improve skills necessary for lawyers. We held a debates competition; mock trials; Young Lawyers for Constitutional Rights Olympiad, etc. The foundation published literature and housed a legal library. Dozens of students worked as interns at GYLA's legal aid centers.

There were Sunday Schools available for schoolchildren in the regions.

Success of the work we have done and high public interest it has drawn has been confirmed by the international attention that we felt throughout the year. Information released and evaluations made by us drew the attention of not only local but also international and respectable media outlets, including the Washington Post, Deutsche Welle, Reuters, Internews and others.

Our statements and reports were cited by important international documents, including the US State Department Human Rights Report, various statements and reports prepared by Human Rights Watch and Amnesty International, statement of the PACE and others.

The foregoing is a brief overview of our activities throughout 2012. You may refer to GYLA's annual activities report for a detailed information.