

Annual Report 2010

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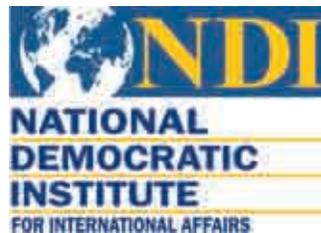
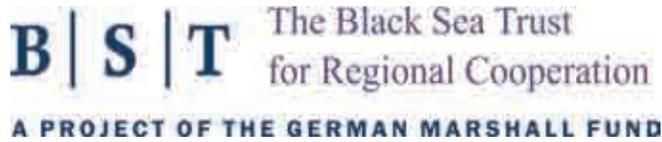
Rule
of Law
for Justice

GEORGIAN YOUNG LAWYERS' ASSOCIATION

ANNUAL REPORT
2010



Rule of Law for Justice



აშშ-ს საგარეო საქმეთა დეპარტამენტი
The U.S. Embassy in Georgia



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Dear Friends,

I would like to welcome you and, traditionally, present an annual report of the Georgian Young Lawyers' Association to give you the chance to objectively evaluate our activities implemented in the reporting period of 2010.

You would probably agree that the current reporting year has been especially important as it is the final year of GYLA's four-year strategy. I hope that at this year's general assembly we all together will be able to analyze the experience gained in the past years and to evaluate where we achieved considerable success and where we made mistakes as well as to realize whether we stay devoted to the values and ideals determined by GYLA's founders.



This year has been truly impressive in terms of statistics (of which you will be convinced by yourself). During the current year, GYLA's Legal Aid Centers issued record-breaking number of pieces of legal advice to the population. It should be noted that, despite the existence of the State-financed Legal Aid Service, demand for our services remained high; the number of lawsuits launched by GYLA with the Georgian Constitutional Court and the European Court of Human Rights has increased; in spite of the reforms implemented in high legal education institutions, public interest towards educational courses organized by GYLA's Legal Education Facilitation Fund has not diminished; we had an unprecedentedly high number of students in the reporting period wishing to master their legal profession at the Georgian Young Lawyers' Association proper.

As always, in the reporting period too, we tried to stand on guard of democratic and liberal values, which, in the Georgian reality, meant daily struggle for defending these values. As in the past years, this struggle has not been easy this year: we monitored elections of the local self-governance bodies, actively participated in the work of the State Constitutional Commission and were one of the few exceptions who did not support the draft constitutional amendments adopted in an accelerated manner.

However, from the present outlook, when I try to evaluate the activities I myself, my colleagues and the organization as a whole implemented in a most critical way, there is something that I regret

about most of all: that we were unable to work individually with every member of the Georgian Young Lawyers' Association and to ensure every individual member's proper involvement. This would probably be uneasy since we are more than 800 already but it was worth trying!

I cherish the hope that the future generations coming to GYLA will compensate for this loss.

With respect,

Tamar Khidasheli

Chairperson,

Georgian Young Lawyers' Association





"...And as we push for positive change, for a closer relationship with Europe, membership in NATO, a new landmark criminal procedure code, transforming Georgia's police force, leading organizations like Georgia's young lawyers, International Society for Fair Elections and Democracy, improving the rule of law and responsiveness in governance, I see women mentioned and taking leading roles time and time again."

Hillary Rodham Clinton / Secretary of State



"The Rule of Law is a fundamental value serving as a foundation of the European Union. This is an area of primary importance for the EU's external policy. Rule of law provides the essential framework for a modern democratic society with participatory and transparent governance and the professional civil society actors have an important role to play in this system.

The Georgian Young Lawyers' Association is an inspiring community of young legal professionals striving for "Rule of Law for Justice". GYLA has been our long-time partner having successfully implemented number of the EU funded programmes promoting Rule of Law, human rights protection and democratic development. GYLA is an active participant and contributor to the dynamic

process of legislative and institutional reforms in Georgia. It promotes the engagement of the civil society in public life, protects the rights of individuals, and contributes to observance of the supremacy of law through its active public awareness and monitoring capacity. Along with this, GYLA is a strong contributor to the development and strengthening of the legal profession in Georgia.

EU has been pleased to actively cooperate throughout years with the organization having determination and clear vision contributing to democratic processes coupled with loyalty to principles of Rule of Law and Justice. This naturally makes GYLA a role model for other civil society actors in Georgia."

Per Eklund / Ambassador, Head of Delegation



"The British Embassy has had successful cooperation with GYLA for a number of years. We have sought GYLA's views on legislative changes, human rights, and the democratic reform process. In 2010 we were pleased to support GYLA's monitoring of the pre-election period. This built on cooperation that took place at both the Presidential and Parliamentary Elections in 2008. GYLA has consistently produced high quality project reporting. We look forward to continued cooperation."

Judith Gough / H.M. Ambassador / British Embassy Tbilisi



"NDI Georgia has enjoyed a long and productive relationship with GYLA over the years. In the past year we have worked together specifically on projects related to electoral monitoring, civil society development and court monitoring. NDI values our partnership with GYLA as a strong advocate for the causes of transparency, accountability and rule of law, which are the foundations of democracy."

Luis Navarro / Head of NDI office. Georgia

Beneficiaries about GYLA

Excerpts from the public survey carried out by IPM (26 January 2010)

I approached GYLA with a single wish: to have my rustic narrative "translated" into legal language by someone. Suprisingly, these people looked into my problem profoundly. I left hundred times more satisfied than I expected. I developed a sense of trust to attorneys and, if anyone is dissapointed, I would necessarily recommend them to visit GYLA and they will find justice there.

I had no special expectations in advance. My neighbor advised me to visit GYLA and they would explain what to do. I did so and, indeed, my attitude changed to the positive. At the moment, I truly trust the entire organization.

I entered into a completely different environment. Before that, I thought justice could not be found anywhere anymore but when I saw this people I became convinced that this is not the case. I am so satisfied with the quality of services these people provided to me that, in fact, it does not much matter for me whether or not I will win the case. What is the most important is that saw a spark of hope there.

GYLA's attorneys in action are great! If a majority of lawyers in Georgia resembled them our lives would become easier.

I had no hopes already but I thought it was worth giving a try and went to GYLA. I had had no contact with GYLA before. I felt reluctant as I was on my way thinking that my visit would be in vain. However, right at the first meeting, I felt such support that I regained hope and incentive to move forward.

My attorney did such a bulk of work that it is truly amazing. This little girl did so much ... if you see the volume of my case materials ... She appeared before the court without my attendance. We'll have a final hearing soon and I think we will win the case.

What I liked the most is the warm attitude and the ability to listen. You will not see any rudeness or slapping of the door right before your nose here.

If I may give them an advice: please, have some break; take your time at least to go out for a lunch. [My attorney] was serving some other client. I am a human too and I understand that this client had to be served first. But in that moment my attorney turned toward me saying: "I will turn to you right in a minute, Mr. Archil. Please wait several minutes." Not only several minutes, am I ready to wait for a whole day for them.

MISSION STATEMENT OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

The Georgian Young Lawyers' Association continues to implement activities to achieve its Charter goals and Strategic Objectives approved by GYLA's general assembly in 2007. The current report period is of special importance since it is the final year years of GYLA's four-year strategy.

As required by the Charter and as established by tradition, we hereby present a report on the activities implemented by 8 offices of the Georgian Young Lawyers' Association for the year of 2010 (reporting period: 1 October 2009 – 1 October 2010).



As in the past years, the structure of the present report is built according to the 4 strategic objectives:

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

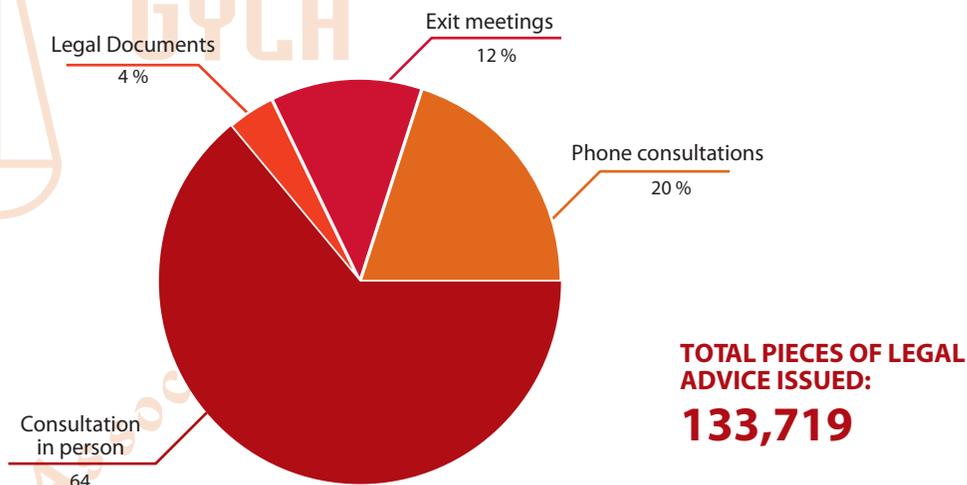
HUMAN RIGHTS
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HUMAN RIGHTS PROTECTION, DEVELOPMENT OF REMEDIES AND ENSURING ACCESS WITHOUT DISCRIMINATION

In the reporting period, GYLA's fundamental activity has continued to be provision of free-of-charge legal assistance to citizens, journalists, non-governmental organizations and other persons. Legal assistance has been provided in our offices, orally and through drafting legal documents, and through clients' representation before courts. As mandated by its Strategy, the Georgian Young Lawyers' Association supports the development of a free legal aid system by the State. However, at the same time, we are ready to stretch our hand of assistance until there is a relevant demand for our services on the part of our citizens.



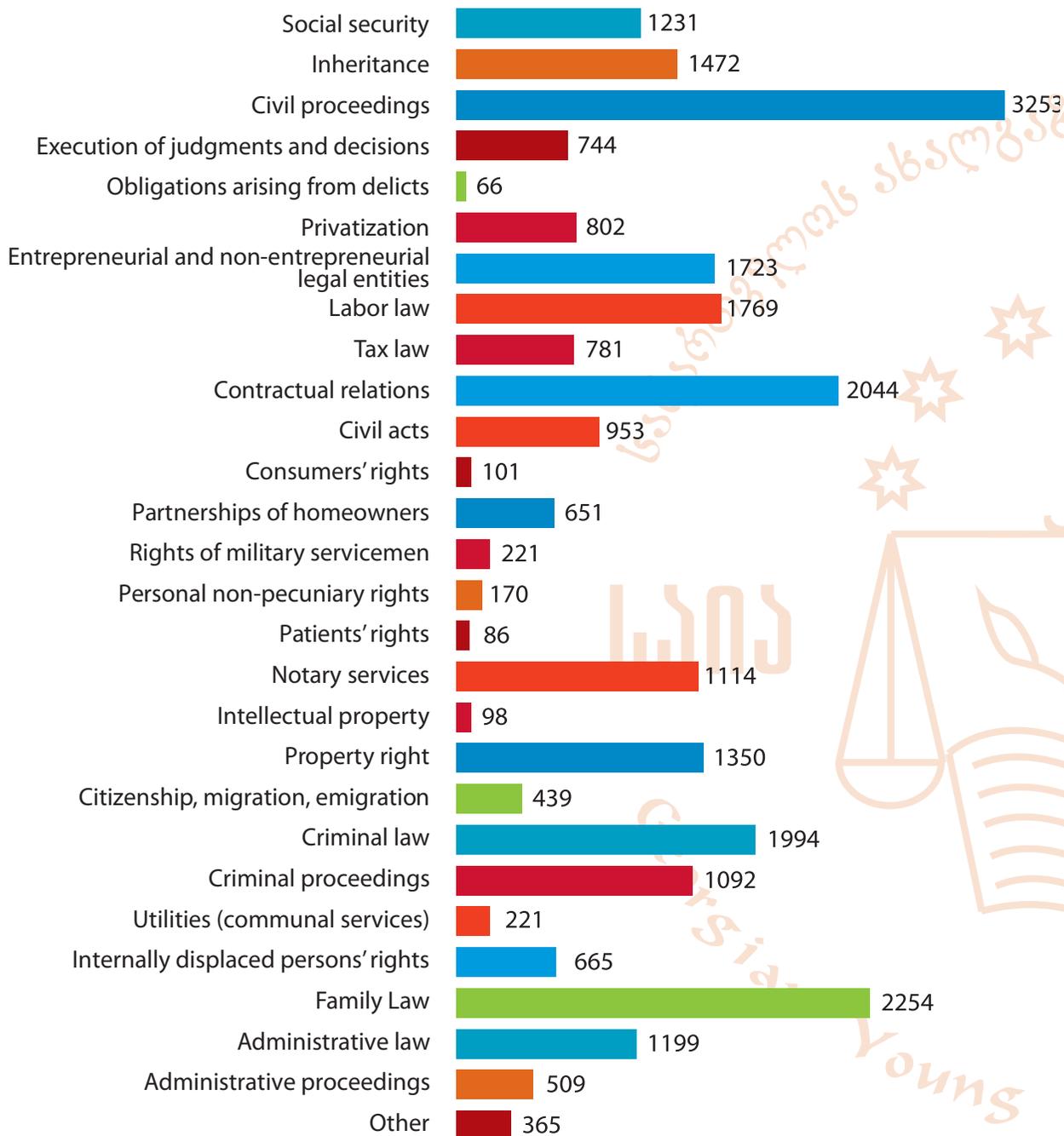
GYLA's Tbilisi Office and its 7 regional offices issued a record-breaking number of legal advice in the reporting period.



Statistics provided herein have once again proved successful of the activity of GYLA's Free Legal Aid Center and the necessity of its existence. This constitutes a stronger impulse for the organization to continue and strengthen its activity in this direction.

LEGAL ADVICE AND LEGAL DOCUMENTS

In the reporting period, GYLA's **Tbilisi Office** has issued **30,550** pieces of legal advice and drafted **1,579** legal documents. In particular, the legal advices were issued on the following matters:



Attorney's services

In the reporting period, GYLA's Tbilisi Office defended citizens' interests in 24 civil cases, 57 administrative cases and 85 criminal cases.

By 1 October 2010, GYLA's Legal Aid Center has the following number of pending cases:

- 44 administrative cases
- 15 civil cases
- 60 criminal cases

Legal Aid Centers have been functioning also in GYLA's 7 regional offices, which, in addition to provision of the legal advice in person and on the phone, paid exit visits to local residents in the form of auto-tours.



Below we present statistics of legal assistance provided by GYLA's regional offices to beneficiaries in the reporting period:

Regional offices	Phone consultations	Consultations in person	Exit meetings	Total
Kutaisi	11230	25973	7064	44267
Gori	1287	20977	3931	26195
RusTavi	1313	1827	533	3673
Ozurgeti	216	2882	1114	4166
Telavi	449	2973	432	3854
Achara	2132	9328	2024	13484
Dusheti	210	1985	460	2655

Legal documents:

	Achara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Documents	518	667	1208	353	377	147	170	3440

Representation before courts and administrative bodies:

In the reporting period, GYLA's regional offices led 62 administrative, 81 criminal and 144 civil law cases, which made up 287 cases in total.

	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Achara	Dusheti	Total
Administrative law	4	1	4	10	4	37	2	62
Criminal law	21	6	11	17	15	10	1	81
Civil law	62	2	6	23	6	7	38	144

On 13 – 17 September 2010, the Georgian Young Lawyers' Association organized and hosted an event supported by the OXFAM-Novib Foundation. We invited non-governmental organizations from South Caucasus, Middle East and Ukraine that provide free-of-charge legal aid in their respective countries. The meeting was aimed at sharing specificities and experience of these organizations in the areas of provision of free legal aid and advocacy. A total of nine non-governmental organizations participated in the meeting. Information was shared and plans for future cooperation were set.



SUCCESSFUL CASES

In accordance with the criteria established by the Managing Board of the Georgian Young Lawyers' Association, GYLA's Free Legal Aid Center offers attorney's services only to citizens being in extreme hardship whose rights are violated by an administrative body or where there is an obvious inequality between the capabilities of the parties to a dispute. GYLA continued to pay special attention to protecting the most vulnerable groups of the society. The below-described examples of successful cases conducted by GYLA attorneys demonstrate the importance of providing qualified legal assistance to citizens, especially to those who are socially less protected.

- Based on the rights and best interests of the child, payment of child support was ordered in a number of cases.
- In a whole series of cases, by means of judicial proceedings, we managed to establish property titles to land plots (full restoration in property rights) that were unlawfully confiscated by the State.
- We assisted citizens in being granted pension they were entitled to under law by means of representing them in litigation against administrative bodies.
- We assisted citizens in being reimbursed for injuries and moral damages sustained as a result of torture.
- We assisted a citizen in being reimbursed for injuries inflicted as a result of a job-related accident.
- We provided assistance to journalists and media sources.
- We assisted internally displaced persons in establishing facts of legal assistance on the basis of which they were able to be granted State allowance
- We assisted non-governmental organizations and journalists in obtaining public information.
- We provided legal assistance to victims of domestic violence.
- We tried as much as we could to help citizens in criminal cases, within the limits allowed by the criminal justice system currently in force.

We let our members and other readers of this report evaluate the quality and importance of success achieved in each case. Short outline of some the cases is as follows:

Civil law cases

- With GYLA's assistance, the court imposed payment of a lump sum amount of 1,000 Lari and monthly child support in the amount of 350 Lari upon the father of a 7 month-old child with unsteady health status.
- With the help of GYLA's Achara Office, Kh.S. whose land plot having an area of 1,000 square meters was unlawfully sold by other persons 4 times based on falsified documents was able to return own immovable property back into his legal ownership.
- With GYLA's efforts, citizen I.Ch and V.A. concluded an agreement on amicable settlement of a dispute according to which the defendant assumed the obligation to pay 10,000 Lari to the plaintiff as a compensation for damages inflicted as a result of a traffic accident.

The court approved the agreement by its order.

- With GYLA's assistance, LLC "MetroMsheni" and citizen Z.Gh. injured by the former concluded an agreement on amicable settlement of a dispute, which was approved by the court by its order. According to the agreement, the defendant assumed the obligation to pay to Z.Gh. 127 Lari on a monthly basis as a pension and 3,810 Lari as an old debt within a term expiring by the end of 2010.
- With the help of GYLA's Kutaisi Office, Senaki District Court granted S.E. the right to visit his grandchildren.
- With the help of GYLA's Kutaisi Office, plaintiffs T.Ch. and Z.Ch. were reimbursed for the damages inflicted by "Energopro-Georgia" in the amount of 2,400 Lari.
- GYLA provided legal assistance to citizen V.Z. In particular, in April 2007, LLC "Georgian State Electro System" stopped paying him a monthly pension of 200 Lari which V.Z. was entitled to due to a job-related injury sustained. By a final judgment of the Appeals Court, V.Z. was reinstated in his right to be paid the monthly pension in the amount he requested.
- With the help of GYLA's Achara Office, N.G. claim was upheld; the court ordered the Shota Rustaveli Batumi State University to pay him a bulk sum of outstanding salary in the amount of 13,000 Lari.
- With the help of GYLA's Achara Office, LLC Newspaper "Batumelebi" was fully reimbursed for damages sustained as a result of breach of a contract in the amount of USD 10,000.

Administrative law cases

- GYLA provided attorney services to K.Ch. In particular, the court ordered the Ministry of Internal Affairs and three former officials of the Ministry of Internal Affairs who were convicted of commission of the crime of torture and inhuman treatment against K.Ch. to pay 9,000 Lari to K.Ch. as a compensation for moral damages inflicted.
- GYLA's Gori Office provided legal assistance to T.Kh., 81 year-old pensioner and internally displaced persons from village Achabeti of the Gori District; T.Kh. addressed Gori Social Services Center of the Social Services Agency with a request to pay him a pension allowance due his status of an internally displaced person in addition to the State pension he was receiving because of age. This citizen has a 30-year work record in a kolkhoz (collective farm) in village Achabeti of the Gori District; however, because currently village Achabeti belongs to the Tskhinvali District and, accordingly, documents confirming his work record are kept in Tskhinvali archive, he was unable to have this fact legally established. The Gori Social Services Center of the Social Services Agency refused to grant T.Kh. a pension allowance due to a long work record. GYLA's Gori Office lodged an administrative complaint with the Social Service Agency on T.Kh.'s behalf. Our complaint was upheld and T.Kh. was granted the requested pension allowance.
- With the help of GYLA's Kutaisi Office, the Georgian Supreme Court cancelled the Order of Kutaisi Mayor No. 343 dated 13 March 2009 on fining A.G. with 3,000 Lari and demolition of his building.
- With the help of GYLA's Ozurgeti Office, the Kutaisi Appeals Court upheld Sh.Gh.'s appeals complaint for the release of public information.

- GYLA's Achara Office provided legal assistance to G.E. In particular, due to actions of the Batumi Town Hall and the military maintenance unit, G.E.'s right to use a shared residential space was first limited and then he was virtually evicted from the residential apartment. With the help of GYLA's attorneys, the Georgian Supreme Court restored G.E. in his title to the immovable property and was allowed to use the space of shared ownership.
- Based on an order issued by the Batumi Mayor, M.I. was deprived of the right to ownership of a residential space with an area of 38.6 square meters. With the help of GYLA's Achara Office, the Georgian Supreme Court ordered return of the immovable property into M.I.'s ownership.
- Civil Registry Agency's Sachkhere Office and afterwards Civil Registry Agency proper refused to legally establish the fact of birth of V.Ts., a person displaced from Tskhinvali due to August 2008 war on the motive of lack of appropriate evidence. With GYLA's help, the court upheld plaintiff V.Ts.'s claim: the disputed administrative acts were found void and the defendant (the Civil Registry Agency) was ordered to study V.Ts.'s case anew and to issue a new individual administrative act. In the end, the matter was resolved in V.Ts.'s favor.
- Batumi Town Hall Technical Supervision Service fined N.T. with 4,000 Lari for unlawful construction. With the help of GYLA's Achara Office, N.T. was released from payment of the fine.
- GYLA's Achara Office provided legal assistance to residents of Asatiani Street in Batumi: N.Ch., O.Ch., N.Ch., G.Ch., R.M., P.R. and G.J. In particular, the Georgian Supreme Court annulled decisions of the Batumi Town Hall and the latter's Technical Supervision Service on the demolition of the above-mentioned citizens' residential spaces and fining each of them with 2,000 Lari.
- With the help of GYLA's Rustavi Office, the Rustavi City Court upheld N.Ch.'s claim for issuing a protecting order against her violent spouse Z.Q.
- With the help of GYLA's Telavi Office, V.I.'s claim against the Ministry of Internal Affairs for the payment of outstanding salary was upheld.
- GYLA's Dusheti Office helped G.B. challenge the decision of the Dusheti Office of the National Agency of Public Register to issue a document confirming title to immovable property; we lodged an administrative complaint with a higher administrative body – the National Agency of Public Register. The complaint was upheld and G.B. was able to register the immovable property to his name.
- With the help of GYLA's Dusheti Office, G.M.'s father was declared a victim of political repression; as a result, G.M. was granted a State pension.
- GYLA's Dusheti Office helped 10 beneficiaries – M.B., G.T., M.G., N.T., M.T., V.Ch., N.D., Z.Ch., V.J. and I.N. – in establishing the legal fact of belonging of a document by means of a court decision. As a result, these persons were able to register immovable properties with the Public Register.
- Zh.M. approached GYLA's Achara Office with a request for legal assistance. Zh.M. was demanding that the Property Commission's decision refusing recognition of his title to an arbitrarily-occupied land plot be declared void. GYLA defended Zh.M.'s interests in the court; as a result, the court declared the disputed decision of the Property Commission void.

- With GYLA's assistance, the court ordered the Georgian Ministry for Refugees and Accommodation to grant the status of an internally displaced person to T.M. who was forcibly displaced from Tamarasheni due to the war in August 2008.
- With GYLA's help, A.K. who was to serve a 7-day administrative detention due to a quarrel with a police officer (under Article 173 of the Administrative Offences Code) was released from the court room as the case was being heard by the Appeals Court.
- GYLA helped S.R. who had lost a breadwinner win a case against the Social Services Agency at cassation proceedings; in particular, the cassation instance court ordered the defendant to issue a new individual administrative act restoring the plaintiff in his right to receive the stopped pension and to compensate the plaintiff for the pecuniary damages sustained during the period when the payment of the pension had been suspended.
- With the involvement of GYLA's lawyers, the Georgian Supreme Court ordered the Ozurgeti Municipality to pay USD 6,886 to A.B. and D.M., members of a house-building partnership who sustained damages to the defendant's actions.

Criminal law cases

- GYLA defended the interests of a victim of trafficking in the court. As a result of the work of GYLA's lawyers, S.M was found guilty of taking three Georgian citizens N.T., Zh.Ch. and T.Sh. out of Georgia, restricting their freedom of movement, exerting physical and psychological pressure on them and forcing them to provide sexual services against their will. S.M. was sentenced to imprisonment for the term of 12 years and 6 months.
- With the help of GYLA's Ozurgeti Office, I.J. was awarded a compensation for moral damages in the amount of 3,000 Lari.
- Citizen R.P. was serving his sentence of 12 years. GYLA's lawyer helped R.P. in having a forensic medical examination conducted. The forensic report confirmed that the prisoner's health was in a grave condition. Having reviewed our motion, the Joint Penitentiary Commission and the court upheld our claim and R.P. was released from the obligation to serve the remaining term of his sentence.
- GYLA defended the interest of citizen J.B. who was accused of robbery; in particular, while being drunk, J.B. borrowed a wrist watch from his neighbor but did not return it back to the owner. GYLA's lawyer helped conduct a medical examination of the accused person; as a result, J.B. was found to be of limited mental capacity, which constitutes a mitigating circumstance. At the judicial review stage, we concluded a plea agreement with the prosecution office based on which, instead of deprivation of liberty for 3 to 5 years, J.B. was sentenced to imprisonment for one year.
- Citizen O.S. was accused of intentionally false whistle blowing (a crime under Article 180(3) of the Criminal Code). GYLA helped conclude a plea agreement based on which O.S. was imposed a conditional deprivation of liberty for 2 years.
- GYLA's Telavi Office assisted convicted M.T. in being released conditionally before due.

STRATEGIC LITIGATION IN THE EUROPEAN COURT OF HUMAN RIGHTS



Protection of interests of persons who were physically injured and/or sustained pecuniary damages as a result of the Russian-Georgian war remains a priority for us. At the same time, during the reporting period, our strategic litigation lawyers, in addition to defending the rights of individual applicants, actively facilitated also to rectifying legislative shortcomings, systemic problems and bad practices by means of sending cases to the European Court.

Legal advice

GYLA provided legal advice to **281** citizens concerning the procedures of applying to the European Court of Human Rights and the violations of individual provisions of the European Convention.

Litigation

16 new cases were added to the 76 cases lodged by the Georgian Young Lawyers' Association with the European Court in previous years. Of the 16 new cases, 14 cases relate to criminal, administrative and civil law; the remaining 2 cases are related to the Russian-Georgian conflict that took place in 2008.

1. Maisuradze v. Georgia (Application Number 44973/09)

The case concerns violation of Articles 2 (the right to life), 3 (prohibition of torture), 6 (fair trial) and 13 (effective legal remedies) of the Convention in relation to the Applicant's late son G. Toroshelidze. As a result of pre-trial investigation and judicial review conducted in violation of fair trial requirements, 24-year-old G. Toroshelidze was placed in a penitentiary institution where he contracted a disease and, five months after, passed away. The European Court is reviewing the case in a speedy manner at own initiative in order to check timeliness and sufficiency of treatment provided to G. Toroshelidze and to ascertain effectiveness of investigation carried out by the national authorities. The European Court will also review a submission on the violation of Article 6 of the Convention as the national courts have handed down G. Toroshelidze's convicting judgment. For the moment, the Court is communicating with the parties.

2. Okroshidze v. Georgia (Application Number 60596/09)

The case concerns establishment of the fact of fatherhood by means of judicial proceedings. National courts rejected the Applicant's claim for legally establishing the fact of fatherhood and imposing the obligation of payment of child support on the defendant in spite of the fact that a DNA forensic report confirmed at 99% that the defendant was the biological father of a child born as a result of unregistered marriage. Domestic courts have stated that the fact that a person is a biological father is insufficient to legally establish the defendant's fatherhood of the child; the courts demanded the Applicant to submit evidence proving their living together. The Application filed with the European Court concerns violation of Articles 8 (respect for private life) and 14 (prohibition of discrimination) of the Convention and of Article 1 of Protocol I (the right to property) against the Applicant and her underage child.

3. Lomadze and others v. Georgia (Application Number 63450/09)

The case concerns settlement of a domestic State debt in relation to unfinished cooperative house construction. Applicants are members of a cooperative house construction partnership established in Batumi who paid for their respective shares of house construction expenses as early as in 1992 – 1993; however, the house has not been constructed yet. According to the 1998 Law of Georgia on State Debts (Article 48(1)(g)), debts resulting from unfinished cooperative house constructions were declared as State debts and the Order of the Minister of Finance of Georgia No. 226 dated 11 October 1999 approved the Procedure of Settlement of Domestic State Debts Related to Unfinished Cooperative House Constructions. Nevertheless, national courts rejected the Applicants' claim to have their respective amounts declared as State debt paid to them by the State. In particular, the national courts have stated that the Order of the Minister of Finance No. 226 dated 11 October 1999 is legally invalid and new procedures for the settlement of debts arisen as a result of unfinished cooperative house constructions have not yet been elaborated. The application lodged with the European Court on behalf of the Applicants concern violations of Article 1 of Protocol I (the right to property) and Article 13 of the Convention (effective legal remedies). It should be noted that a judgment passed by the European Court in this case may acquire a precedential value as thousands of people in Georgia are facing the same problem.

4. Gamtsemlidze and others v. Georgia (Application Number 2228/10)

The Application concerns violations of Article 2 (the right to life), 6 (fair trial) and 13 (the right to effective legal remedies) of the European Convention on Human Rights in the criminal case concerning Giorgi Gamtsemlidze murdered on 8 May 2008 from a firearm belonging to an officer of the Ministry of Interior Patrol Police. Examination of the case materials makes it clear that both pre-trial investigation and judicial investigation of G. Gamtsemlidze's murder was conducted in a biased manner with serious violations and shortcomings.

5. Bekauri and others v. Georgia (Application Number 312/10)

6. Menabde v. Georgia (Application Number 4731/10)

7. Studio "Maestro" and others v. Georgia (Application Number 22318/10)

All of the three above-mentioned cases concern the unlawful and forced break-up of a peaceful rally in front of the Ministry of Interior Tbilisi Main Department on 15 June 2009. In the case Bekauri and others v. Georgia, Applicants are participants of the mentioned rally, leaders and members of various

nongovernmental / resistance movements with whom representatives of the law enforcement bodies cruelly settled accounts. In the case *Menabde v. Georgia*, the Applicant is a staff member of the Public Defender's Office who was carrying out a scheduled monitoring at the peaceful rally. He was beaten up and unlawfully arrested by law enforcements officials who freed him soon. In the case *Studio "Maestro" and others v. Georgia*, Applicants are the Television Company "Maestro" and journalists who were deprived of their video recordings reflecting the peaceful rally. The aforementioned Applications to the European Court concern violations of Article 3 (prohibition of torture), Article 5 (unlawful deprivation of liberty), Article 6 (fair trial), Article 10 (freedom of expression), Article 11 (freedom of assembly and association) and Article 13 (right to an effective remedy) of the Convention and Article 1 of Protocol I to the Convention (right to property).

8. Shavlokhova v. Georgia (Application Number 4800/10)

The Applicant is the mother of A. Tskhovrebov who was killed during the so-called "jail riot" in the Penitentiary Institution No. 5 on 27 March 2006. In spite of numerous motions lodged by GYLA's attorneys, the Applicant was not recognized as the victim's (A. Tskhovrebov's) legal successor in the criminal case concerning the abuse of official powers by members of the Penitentiary Department (Criminal Case Number 74068237). Accordingly, results of the investigation carried out in the case are to-date unknown for both the Applicant and her lawyers. The Application to the European Court was sent concerning violations of Article 2 (the right to life) and Article 13 (the right to an effective remedy) of the Convention.

9. Shapatava v. Georgia (Application Number 47649/09)

By a judgment delivered by the Krtsanisi-Mtatsminda District Court of Tbilisi, the Prosecutor-General's Office of Georgia was ordered to pay a salary in the amount of 23,815 Georgia Lari to the Applicant as a compensation for the physical injury sustained in the course of performance of official duties. The judgment was based on the conclusion made by the Prosecutor-General's Inspectorate-General dated 11 May 2004; according to the conclusion, the heart infarction sustained by the Applicant was recognized as a circumstance occurred in time of performance of official duties. Until the lapse of the term allowed for appeal of the judgment, the Prosecutor-General's Office cancelled its Conclusion dated 11 May and issued a new administrative act, which stated that no causal link was ascertained between the Applicant's disease and the performance of official duties by him. On the basis of this new administrative act, the court rejected the Applicant's request for obliging the Prosecutor-General's Office to pay him the compensation amount. GYLA assisted the Applicant in addressing the European Court with a claim for finding that there were violations of Article 6 of the Convention (the right to a fair review of the case) and Article 1 to Protocol I to the Convention (the right to property) in relation to the Applicant.

10. Mirzoian v. Georgia (Application Number 2249/10)

By a judgment of the Tbilisi City Court, the Applicant was ordered to transfer a title to an immovable property to the defendant on the basis of Article 2(6) of the Law of Georgia on Relations Arising from the Use of Residential Spaces. In time of review of the case by the cassation court, the Applicant submitted a judgment delivered in absentia and having a final legal force according to which the defendant's ownership of the residential apartment in question had been declared terminated. Accordingly, the Applicant argued that the defendant was not "a user" within the meaning of the Law of Georgia on Relations Arising from the Use of Residential Spaces. The cassation court, without having evaluated the mentioned significant evidence submitted to it, rejected the Applicant's cassation

complaint. With GYLA's assistance, the Applicant addressed the European Court concerning violation of Article 6 of the Convention (the right to a fair review of the case).

11. Shalikashvili v. Georgia

Applicant N. Shalikashvili is accused of commission of armed robbery together with his brother and three other persons who have not yet been identified by the investigation authorities. Lawyers from GYLA's Batumi Office specialized in criminal law defended the Applicant's interests at the domestic level. The Applicant's convicting judgment is based on insufficient and self-contradictory evidences. The principle of equality of the parties to the proceedings was violated during the judicial review of the case, at the stage of examination of substantial evidence. Furthermore, a comprehensive analysis of the case materials shows the review of the Applicant's case was unfair as a whole. The Application addressed to the European Court concerns violations of Article 6 (the right to fair trial) and Article 13 (the right to effective legal remedies) of the European Convention.

12. Qerdikoshvili v. Georgia (Application Number 35868/10)

The case concerns violations of Article 6 of the Convention (the right to fair trial), Article 1 of Protocol I to the Convention (the right to property) and Article 13 of the Convention (the right to effective legal remedies) against the Applicant. The Applicant is an individual entrepreneur. In spite of a judgment delivered by the court in favor of the Applicant, the Gori Tax Inspection did not return the confiscated alcoholic beverages worth 77,161 Georgian Lari to the Applicant. The ground for refusal, formally, was the fact that the warehouse where the Applicant's goods were stored were raided allegedly by Russian soldiers and Ossetian separatists in 2008 as the hostilities were taking place in Gori. The Applicant filed lawsuits with national courts and demanded that the Gori Tax Inspection reimburse him the damages; however, the proceedings were suspended until the criminal case on the fact of raiding the warehouse is completed. This effectively means that the chance to have his infringed rights restored has been suspended for an indefinite term for the Applicant.

13. Jakeli v. Georgia

The Applicant was found guilty of commission of the crimes under Articles 108 (deliberate murder) and 2381 (carriage of a cold weapon) of the Georgian Criminal Code and was sentenced to imprisonment for 13 years. The applicant has a mental deficiency. He had been previously diagnosed with emotional instability, personality disorder and paranoid syndrome. In time of commission of the mentioned crimes, he was taking psychotropic drugs upon prescription of a neurological dispensary doctor. During the pre-trial investigation, the Applicant had not been provided with a counsel's services regardless of the fact that the Applicant, as a person with mental deficiency, was subject to mandatory defense in accordance with Article 81(1)(b) of the Georgian Criminal Code. The Application addressed to the European Court concerns violation of paragraphs (1), (3)(c) and (3)(d) of Article 6 of the Convention, since the rights guaranteed by Article 6 of the Convention to a person brought to criminal liability have been violated.

14. Machaidze v. Georgia (Application Number 44706/10)

The Applicant, B. Machaidze, has been serving his sentence since 27 April 2007. During his time in the jail, he has contracted an incurable and life-threatening disease. Medical treatment he was

receiving in various penitentiary institutions had been belated and inadequate most of the times. As a result, his health status aggravated and became irreversible. Since April 2010, the Applicant's health conditions seriously worsened. He has been constantly asking for his transfer to a medical institution for the purpose of having access to proper medical examination and treatment; however, his requests have been rejected. On 6 August 2010, GYLA addressed the European Court of Human Rights in accordance with Rule 39 of the Rules of the Court with a request to order an interim measure to the Government of Georgia; in particular, to place the Applicant in a medical institution. The European Court upheld GYLA's request on 10 August 2010 and ordered the Georgian Government to place the Applicant in a medical institution where he should be provided with proper treatment. For the moment, the Applicant is undergoing treatment in the Institution for the Treatment of Convicts and Prisoners. An Application concerning violation of Article 3 of the Convention has already been sent to the European Court.

Cases related to the conflict of August 2008

Concerning the primary applications on 55 cases, during the reporting period, we prepared full applications and sent them to the European Court in February 2010 together with all the required attachments and evidences (cases concerning violations of fundamental rights as a result of the August 2008 war).



Furthermore, we prepared and sent two new cases also in relation to the interests of victims of the August 2008 war.

1. *Storimans and others v. Russia* (Application Number 26302/10)

The case concerns the death of a Dutch cameraman and the wounding of two other foreign journalists during the bombing of the center of the Gori Town by the Russian air forces on 12 August 2008.

On behalf of the victims, an Application has been sent to the European Court on violation of Article 2 (the right to life), Article 13 (the right to effective legal remedies) and Article 14 (prohibition of discrimination) of the Convention.

2. Chikviladze and Antsukhelidze v. Russia (Application Number 2258/10)

The case concerns the fact of arrest, inhuman treatment and afterwards the killing of a Georgian soldier by Ossetian and Russian soldiers on 8 August 2008. The Application sent to the European Court asserts violation of Article 2 (the right to life), Article 3 (prohibition of torture), Article 5 (unlawful deprivation of liberty), Article 13 (the right to effective legal remedies) and Article 14 (prohibition of discrimination) of the Convention.

During the reporting period, we actively worked on the facts of unlawful arrest of ethnic Georgians and Ossetians on territories adjacent to the administrative border of so-called South Ossetia and exchange of captives. To this end, GYLA actively cooperated with the representation of the Council of Europe High Commission on Human Rights.

For the moment, we are preparing applications on behalf of ethnic Ossetians and Georgians kept in unlawful detention or those already freed. The applications will be lodged against both Georgia and Russia. By this litigation, GYLA aims at combating the ill practice of detaining persons for their subsequent exchange as captives.

Successful cases

On 2 February 2010, the European Court delivered its first judgment in a GYLA-led case entitled *Claus and Iouri Kiladze v. Georgia* (7975/06)

In its judgment, the Court stated that there has been a violation of Article 1 to Protocol I (the right to property) because the defendant State has not yet elaborated a mechanism to ensure the exercise of the right to reimbursement of moral damages envisaged by the Law on Recognizing Citizens of Georgia as Victims of Political Repressions and Social Protection of Victims of Political Repressions.

In addition to individual measures, the Court imposed on the defendant State the duty to implement, as timely as possible, legislative, administrative and budgetary reforms so that persons being in conditions similar to the Applicants can effectively make use of the right guarantees by law. However, the State has not implemented such general measures this far.

Cooperation with the International Criminal Court

During the reporting year, GYLA has been actively cooperating with the International Criminal Court to facilitate investigation of the crimes committed during the Russian-Georgian war.

With GYLA's active participation, **a report entitled "In the Ruins of August" was drafted and published; the report concerns violation of human rights and norms of international humanitarian law during the August 2008 war.**

Furthermore, GYLA's representatives have been meeting with the representatives of the International Criminal Court (including the Court's Prosecutor in the Hague within the framework of a special visit) in order to discuss effectiveness of investigation of crimes committed during the war both at domestic levels both in Georgia and Russia.



LITIGATION IN THE CONSTITUTIONAL COURT OF GEORGIA

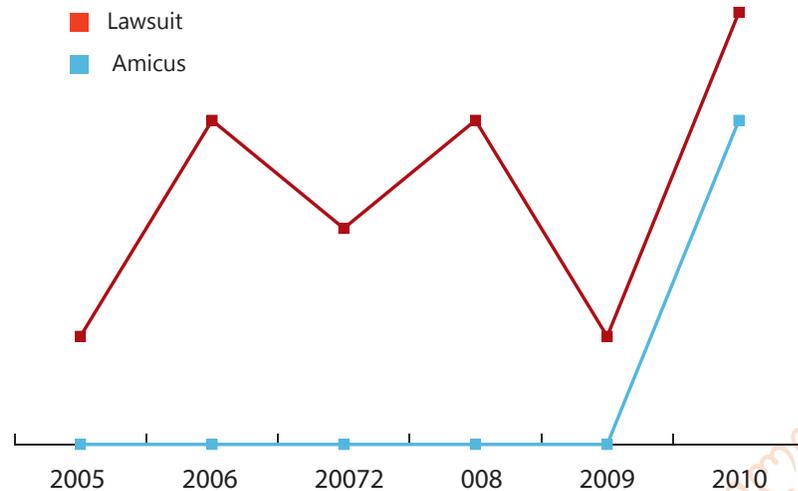
The year of 2010 has been especially productive for the Georgian Young Lawyers' Association in terms of litigation in the Constitutional Court. In the reporting period, GYLA lodged constitutional



lawsuits on topical legislative shortcomings. GYLA is also the first organization that has made use of the **notion of a friend of court (amicus curiae)** and furnished the Constitutional Court with its well-founded opinions on the most important constitutional disputes.

Since 2009, the Georgian Young Lawyers' Association lodged **four constitutional lawsuits and three opinions as amicus curiae**, which is a record-breaking rate in comparison with litigation conducted by GYLA in previous in the field of constitutional law.

Of the three lawsuits lodged in previous, 2 lawsuits have not been dealt with by the Constitutional Court yet. On the third lawsuit, constitutional proceedings were terminated due to amendments made to the relevant law.



Constitutional lawsuits

1. Tamar Khidasheli and the Georgian Young Lawyers' Association v. the Parliament of Georgia

On 12 October 2009, the Georgian Young Lawyers' Association addressed the Constitutional Court for the purpose of ascertaining constitutionality of Article 8(2) of the Law on Criminal Intelligence and Investigative Activity. The disputed norm, as the Law on Criminal Intelligence and Investigative Activity in general, does not envisage involvement of a judge in decision-making on extension of secret eavesdropping (as criminal intelligence and investigative measure) for up to six months. This contradicts Article 20(1) of the Georgian Constitution, which stipulates that conversation by phone or by any other technical means is inviolable and this right may be restricted only by a judicial decision or, without judicial decision, in case of urgent necessity. The Constitutional Court has not made a decision on reviewing the case on merits this far.

2. Dachi Tsaguria, Jaba Jishkariani and the Georgian Young Lawyers' Association v. the Parliament of Georgia

On 10 December 2010, GYLA addressed, on own behalf and on behalf of activists of the Movement "7th November" Dachi Tsaguria and Jaba Jishkariani, a lawsuit to the Constitutional Court. The dispute concerns amendments enacted by the Parliament of Georgia on 17 July 2009 to the Law on Assembly and Manifestations. According to the amendments, a transport driveway can be fully or partially blocked only if the holding of an assembly or manifestation is otherwise impossible due to the large number of people participating in the rally. The plaintiffs pleaded that the amendments enacted are not consistent with Article 25 of the Constitution (freedom of assembly and manifestations). Furthermore, the Constitutional Court was requested to ascertain constitutionality of the words "other similar conduct" contained in Article 166 of the Administrative Offences Code against paragraphs 1 and 2 of Article 24 of the Georgian Constitution (freedom of expression).

On 22 December 2009, the Constitutional Court held a preparatory session to decide on admissibility of the lawsuit for its hearing on merits; however, the Court has not informed us of its decision on this matter yet.

3. Merab Chikashvili v. the Parliament of Georgia

On 4 February 2010, GYLA lodged a lawsuit with the Constitutional Court of Georgia on behalf of Merab Chikashvili, an activist of the Movement "Ratom" (translation: "why"). The lawsuit concerns lack of detailed regulation by the Georgian legislation of the conditions of administrative detention. In particular, the law currently in force does not regulate, in sufficient details, matters such as minimum area to be allocated per detainee, the right and conditions of observing personal hygiene, the right to a walk and the right to a visit by family members. The plaintiffs asserted that the fact that the legislation does not contain guidance on these matters, against the background that administrative detention may last for up to 90 days, constitutes illtreatment (Article 17 of the Constitution) and a violation of the right to private life (Article 20 of the Constitution).

On 28 June 2010, the Constitutional Court issued an order refusing to accept the lawsuit for its review on merits. In its order, the Constitutional Court made a reference to the Order of the Minister of Internal Affairs No. 108 dated 1 February 2010 and stated that the applicable legislation does regulate conditions of administrative detention. However, the Court avoided the circumstance described in the lawsuit that rules and conditions of exercising basic rights and freedoms as well as matters of legal liability and use of forced measures must be regulated by a law-ranking normative act. This submission is based not only on Article 8 of the Law of Georgian on Normative Acts, but also the constitutional principle of checks and balances (distribution of powers). The Constitutional Court did not discuss this submission in its Order.

4. The Conservative Party and New Rights v. the Parliament of Georgia

On 18 March 2010, on behalf of the Conservative Party and the New Rights, the Georgian Young Lawyer's Association lodged a constitutional lawsuit with the Constitutional Court of Georgia. The plaintiffs are demanding that the Court declare certain provisions of Article 76(1) of the Election Code unconstitutional. In particular, the disputed provisions open a possibility for an election subject to use, in the course of pre-election campaigning, a building of an organization financed from the State budget as well as means of communication, information services and means of transport. The plaintiffs also challenged paragraph 2 of the same Article, which entitles a public servant to use a car belonging to a State organization in pre-election campaigning. GYLA asserts that the abovementioned provisions contradict Article 14 of the Georgian Constitution because they effectively enable only the ruling political party or a small political group to use administrative resources for their pre-election campaigning purposes, since only the ruling party or a small political group may have access to such resources on account of offices they occupy. This circumstance results in a discriminatory pre-election environment. In addition, it politicizes public service. By a protocol adopted on 28 June 2010, the Constitutional Court declared GYLA's lawsuit admissible for review on merits.

Opinions submitted as *amicus curiae*

On 22 August 2009, the Parliament of Georgia enacted amendments to the Law on Constitutional Proceedings. The amendments introduced the notion of a friend of court (*amicus curiae*) in constitutional proceedings. By virtue of these amendments, any physical person or legal entity has the right to furnish the Constitutional Court with its opinion on a given case.

GYLA was the first, acting as *amicus curiae*, to submit to the Constitutional Court its written opinion in relation to a constitutional lawsuit lodged by the Public Defender. Our effort turned out to be a success. The Constitutional Court did not only review GYLA's views, but agreed to and upheld the Public Defender's constitutional lawsuit supported by GYLA as *amicus curiae*.

In the reporting period, the Georgian Young Lawyers' Association submitted a total of 3 written opinions under the status of *amicus curiae* to the Constitutional Court on the following matters:

1. Jurisdiction of the Constitutional Court (the case of *Public Defender v. the Parliament of Georgia*);
2. Alternative military service (the case of *Public Defender v. the Parliament of Georgia*);
3. Licensing of cable broadcasting (the case of *Public Defender v. the Parliament of Georgia*).

STRATEGIC LITIGATION ON FREEDOM OF INFORMATION

By tradition, the Georgian Young Lawyers' Association continues litigation on freedom of information before both administrative bodies and courts of general jurisdiction. Doing so, we try to facilitate to ensuring access to public information in Georgia and the enforcement of standards articulated by law in this sphere.

However, a regrettable trend of badly justified classification of public information has, as in the past years, has been continuing. In the process of monitoring we encountered a bulk of problems in this regard. Information on data available on public officials remains either hardly accessible or completely inaccessible. For example, the Ministry of Justice rejected GYLA's request for information on salary bonuses paid to public officials on the motive that the requested information is part of personal data. Moreover, relying on the Ministry's insubstantiated argument, **the court too considered that information on salary bonuses paid to public officials must not be accessible to third persons because such information constitutes personal data.**

The current state of affairs in terms of accessibility of public information points to the fact that there is still much work ahead in this direction; the level of transparency of public institutions is very low and the court practice that provides a strong support to such harmful trend is not favorable either.

Requests for public information

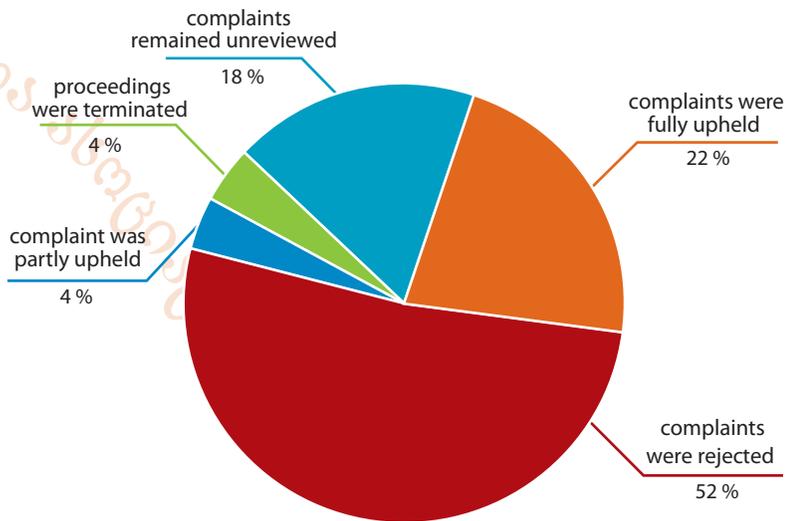
In the reporting period, we filed **168 requests** with public institutions for the release of public information, of which:

- 130 requests were fully upheld
- 11 requests were partly upheld
- 27 requests were rejected

Administrative complaints

During the year, we lodged a total of 23 administrative complaints with various public institutions, of which:

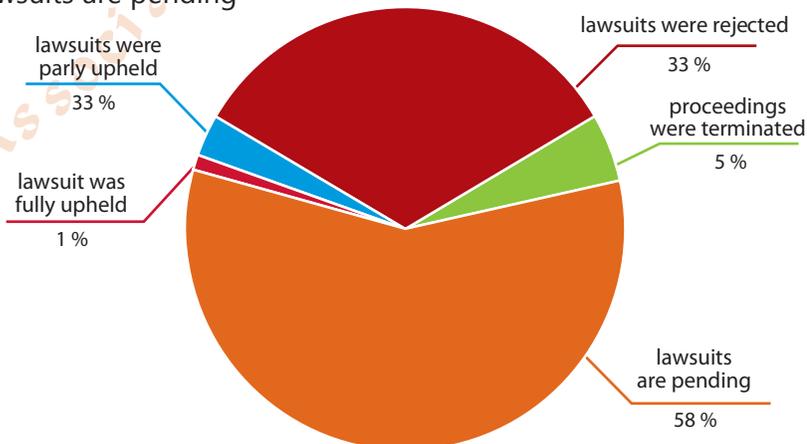
- 5 complaints were fully upheld
- 12 complaints were rejected
- 1 complaint was partly upheld
- Proceedings were terminated on 1 complaint
- 4 complaints remained unreviewed



Lawsuits

In continuation of the abovementioned requests and complaints, we filed 63 lawsuits with various judicial instances, of which:

- 1 lawsuit was fully upheld
- 2 lawsuits were partly upheld
- 21 lawsuits were rejected
- Proceedings were terminated on 3 lawsuits
- 37 lawsuits are pending



The above statistics show that the trend of denying release of public information, untimely release or massive classification of information remains high. Accordingly, GYLA will continue to actively work in this direction for the purpose of facilitating establishment of high standards of freedom of information.

LEGAL AID TO PRISONERS IN PENITENTIARY INSTITUTIONS

The Legal Aid Center of GYLA's Tbilisi Office has been providing persons deprived of their liberty in penitentiary institutions with legal advice and assistance.

During the reporting period, GYLA's Tbilisi Office received **257 letters from prisoners**. Based on these letters, attorneys of the Tbilisi Office Legal Aid Center visited and provided legal advice to **121 prisoners**. We furnished written replies to **39 prisoners** on matters questions of interests for them. We drafted various legal documents such as applications, cassation complaints, etc. for **41 prisoners**.

GEORGIAN MEDIA LEGAL DEFENSE CENTER



The Georgian Media Legal Defense Center has been functioning in all of the 8 offices of the Georgian Young Lawyers' Association since October 2009. Lawyers employed at the Center provide legal assistance (advice and representation) to journalists and media sources in Tbilisi and in the regions. The Center was established in partnership with the Eurasia Foundation.

During the reporting period, lawyers of the Center have issued more than 900 pieces of legal advice and conducted more than 32 cases. Two training sessions were held for lawyers and journalists on media law and freedom of information.

The Center has own functioning website:
<http://www.gmldc.ge>

LEGAL PROTECTION OF INTERNALLY DISPLACED PERSONS

The Georgian Young Lawyers' Association actively continues assisting internally displaced persons in various issues of concern for them. By means of provision of legal advice and advocacy services, GYLA's lawyers are trying to help them resolve their legal problems.

During the reporting period, in addition to issuing legal advice on individual basis, we have been organizing informative meetings for internally displaced persons residing in the private sector. In the course of the last year, **we issued more than 2,950 pieces of individual legal advice, paid 229 mobile visits and prepared 157 legal documents. We provided attorney's services in 9 court cases.**

Different problems were found to be of importance for the IDPs of the so-called old and new wave. For the persons forcibly displaced in 1990s, the problems of acquiring a permanent a dwelling and formal change of address are topical issues. The IDPs have become more interested in these matters after the State launched the process of transferring residential spaces occupied by IDPs in collective settlement areas into private property.

We pay particular attention to **protection of IDPs rights in time when they have to leave (have to be resettled) from privately-owned collective residential spaces**. This problem has been on agenda in recent years. Summer 2010 is distinguished with massive resettlement (eviction) of IDPs from various buildings. Both the so-called old and new IDPs were affected by the resettlement process. GYLA monitored the resettlement process in 7 cases.

PROTECTION OF THE RIGHTS OF MIGRANTS RETURNED TO HOMELAND

The Georgian Young Lawyers' Association, in cooperation with national and international partner organizations, has launched a special campaign for the protection of the rights of migrants returned to homeland.

During the reporting period, GYLA's lawyers in Tbilisi and regional offices provided legal advice to migrants returned to homeland from Europe and other countries, to help the resolve legal problems of their concern. By the time of preparing this report, **more than 26 familites have been provided with legal advice**.

As a result of legal consultations issued, we identified the following legal issues of concern:

- Adoption of citizenship: double citizenship, restoration, termination and withdrawal from citizenship;
- Granting / restoration of an IDP's status
- Infringement upon property rights by the State;
- Matters related to law of oblgiations (loan contracts);
- Problems related to restoration of title to property;
- Family law;
- Verification of documents issued in foreign countries by apostille.

To ensure the running of the process effectively, we prepared two social video clips that were broadcast through media. Also, in the arrivals hall of the Tbilisi International Airport, we installed a special advertisement stand and posted information brochures thereon. Further, GYLA's Chairperson prepared and sent a text of appeal to Georgian consular officers in Europe with a request to provide the information we prepared to migrants wishing to arrive in Georgia.

THE RIGHT TO FAIR TRIAL: MONITORING OF THE JUSTICE SYSTEM

In furtherance of its strategic objectives, the Georgian Young Lawyers' Association conducts an analysis of the justice system and published analytical reports on a yearly basis. In the reporting period, GYLA published a 2010 report entitled **Justice in Georgia**.

It is our strong belief that the current status of the justice system as well as trends, achievements and problems in this area cannot be thoroughly evaluated only on the basis of GYLA's free-of-charge

legal services or even by publishing the abovementioned report, which is mainly based on empirical information. Bearing this in mind, in the reporting period, the Georgian Young Lawyers' Association started a Justice Monitoring Program that envisages analysis of popular criminal (and, sometimes, administrative) law cases and monitoring of court trials. To this end, we elaborated criteria for selecting and evaluating cases. Based on these criteria, 24 cases were selected, including

- 6 cases concerning administrative offences, which had already been completed as we started analyzing them;
- 18 criminal law cases, of which 4 cases were pending and the remaining 14 cases either had been completed or were at a cassation stage.

In selecting the cases, we took the general public's interest to specific cases into account. Lawyers from GYLA's offices in Tbilisi and in 7 regions were involved in the process. In addition to analyzing the mentioned cases, GYLA's lawyers were monitoring trials.

We prepared an initial report based on the analysis of these very cases. In particular, the cases were individually analyzed in the sense of how lawfully and fairly justice was administered in the given cases. Also, we generalized the shortcomings found and revealed shortcomings in both the legislation in force and the practice currently applied.



RAISING LEGAL
AWARENESS AND
ESTABLISHING RESPECT
FOR RULE OF LAW

RAISING LEGAL AWARENESS AND ESTABLISHING RESPECT FOR RULE OF LAW

In providing legal assistance, GYLA is guided with the following motto: "Fight for your rights and we will defend you". However, we understand that a citizen cannot fight effectively if he is unaware of the meaning and ways of exercise of his rights. Nor can participation-based democratic and effective governance be achieved without properly informing citizens first. Taking these principles into consideration, in accordance with our Charter and Strategic Objectives, GYLA's employees in Tbilisi and in the regions have been implementing appropriate activities aimed at raising public awareness and establishing respect for rule of law in the society.

INFORMATIVE SEMINARS, MEETINGS IN THE REGIONS, AUTO-TOURS

The public awareness raising campaign led in the reporting period included seminars and trainings for **public officials, attorneys, non-governmental organizations, media sources and representatives of other areas.**

	Kutaisi	Achara	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Seminars, round tables, meetings	208	79	414	10	21	19	9	760
Number of participants	1824	2528	8280	250	413	247	210	13752

The seminars and round tables were devoted to discussing almost all of the important amendments to the legislation enacted by Georgia's highest legislative organ in 2010 as well as the following issues of concern for the public:

- The constitutional reform in Georgia. In August 2010, GYLA held special meetings to ensure public discussion of the draft constitutional amendments. The meetings were held in Zugdidi, Akhalkalaki, Tbilisi, and GYLA's 7 regional offices.
- The State Program of Social Aid and problems related to its implementation.
- 2010 State Programs in Health Protection.
- Powers of local self-governance bodies and their rules of procedure.
- Rules of settlement of tax disputes and matters related to forced execution.
- A jury court and other novelties proposed by the new Criminal Procedure Code.
- Social guarantees available to disabled persons.
- Problems related to employment record and procedures for internally displaced persons.
- Rules of recognizing property title to land plots possessed by natural persons and legal entities and related problems.
- Novelties in the Georgian legislation concerning child adoption and foster children.

- Mechanisms for the protection of victims of domestic violence.
- Registration of rights to immovable property.

Television and radio programs

Cooperation with local radio broadcasters is of special importance in the regions for the purpose of ensuring as wide coverage of listeners as possible.



- Radio Hereti; topics discussed:
 - Social guarantees available to disabled persons
 - Powers of local self-governance bodies
- Radio Trialeti; topics discussed:
 - Constitutional reform in Georgia
 - How to participate in the work of local self-governance bodies
 - Human rights in Georgia
 - How to be protected against domestic violence
 - Monitoring of rehabilitation of IDPs' residential houses
 - Rights of IDPs
- TV Company Trialeti; topic discussed:
 - Problems of residents of villages adjacent to the conflict area and ways of their resolution
- Radio "Old Town"; topics discussed:
 - Tax disputes
 - Local self-governance and novelties in the legislation
 - Rules and conditions for the receipt of inheritance
 - Family law relations
- Radio Imedi; topic discussed:
 - How a electric power consumer who has no individual power meter should pay for electricity consumed
- TV Company "TV 25"; topic discussed:
 - Violation of property rights to land plots located in the coastal line in the Khelvachauri Municipality

A joint project by GYLA and Radio Unknown: "Unknown Law"

In the reporting period, in cooperation with Radio Unknown, GYLA started a new joint project devoted to raising legal awareness and providing information to the residents of Tbilisi. The Program "Unknown Law" is broadcast live every Monday at 13:00 hours where GYLA's lawyers are providing explanations and legal advice to the listeners.

Newspaper columns

As in the past years, GYLA's offices and branches continued to actively cooperate with regional journals and newspapers. During the reporting period, a series of newspaper articles were published on matters of concern for the population.

- Newspaper "People's Newspaper"; topics covered:
 - How to defend our rights by means of administrative complaints
 - Rights of IDPs
 - How to register a non-entrepreneurial legal entity and a subsidiary (representation) of a foreign country's legal entity
- Newspaper "New Newspaper"
 - Child adoption
 - Community work as a measure of punishment
 - Unordinary means of revision or an ordinary appeals procedure
 - Rules and conditions of receipt of inheritance
- Newspaper "Imereti Messenger"; topic covered:
 - How to defend our rights in labor relations
- Newspaper "Voice of Kakheti"; topic covered:
 - How socially vulnerable family can get subsistence allowance; rules and conditions of health insurance for such families
- Newspaper "Dusheti Messenger"; topics covered:
 - What landowners should know about their tax obligations
 - Pension for the loss of a breadwinner
 - Recognition of property right to an agricultural land plot
- Newspaper "Guria Messenger"; topic covered:
 - Presumption of innocence and the right to defense
- Newspaper "Bolnisi"; topics covered:
 - Registration of birth at the Civil Registry Agency
 - How to be protected against domestic violence
- Newspaper "Achara"; topics covered:
 - Child adoption procedures
 - What to know about rules of registration in the Unified Database of Socially Unprotected Families

Auto-tours

The Georgian Young Lawyers' Association is continuing to hold exit meetings called auto-tours, an activity started years ago that has already turned into a tradition. Attorneys from GYLA's regional offices are periodically holding the so-called exit tours to even the most hardly reachable villages in various regions of Georgia where they are meeting the local residents, identifying problems on the spot and providing citizens with free-of-charge legal assistance on matters of their concern. Furthermore, auto-tours are the best tool for facilitating to raising citizens' legal awareness.

The following were planned and implemented during the reporting period:

GYLA's Gori Office paid an auto-tour to the following villages of the municipalities of Adigeni, Aspindza, Akhalkalaki and Ninotsminda:

Idumala, Osholi, Ota, Rustavi, Aspindza, Arali, Ude, Beneri, Bolajuri, Adigeni, Sholaveri, Qvemo Enteli, Saro, Khizabavra, Gelsunda, Pia, Zanavi, Chamdura, Zreski, Kumurdo, Ptena, Churchkha, Azmana, Kotelia, Baraleti, Atskvita, Toloshi, Nijgori, Khertvisi, Nakalakevi, Khospio, Jigrasheni, Murjakheti, Vachiani, Satkhe, Gandza, Poka, Ninotsminda.

Local residents were interested in recognition of their property rights to land, adoption of double citizenship, benefits available for residents of mountainous areas, teachers' certification, being granted a pension for the loss of a breadwinner, social assistance, registration of immovable property, domestic violence, health insurance, State-run health programs, being granted a subsistancy allowance, determination of facts of legal importance, civil status registration, self-governance in schools, functions of the Councils of Trustees at schools, powers of local self-governance bodies, drafting of local budgets, learning of the State language by national minorities, receipt of inheritance, unlawfull border-crossing, pardon and amnesty, tax benefits and other legal issues. Participants of the meetings received GYLA's information brochures.



GYLA's Gori Office paid an auto-tour to the following villages of the municipalities of Borjomi and Bakuriani:

Rveli, Tsagveri, Tsemi, Didi Sadgeri, Tba, Didi Tsemi, Chobiskhevi, Chitakhevi, Dviri, Sakire, Tadzrisi, Kvabiskhevi, Kvibisi, Tsikhisjvari, Andeziti and Kortaneti. Meetings were held with heads of local village government and the local residents. During the meetings, the following matters were identified to be of concern: rights of school guards, annulment of previous criminal record, pardon, domestic violence, land privatization, inheritance, registration of immovable property, performance of notarial functions and issuance of legal documents by local government bodies, acquiescence of a license to use natural resources, and how to be granted social assistance by the State. The local residents stated they were facing problems with local Property Commissions when it comes to having their property rights to factually occupied land plots recognized.

GYLA's Telavi Office paid an auto-tour the following villages of the municipalities of Signagi, Sagarejo, Dedoplistskaro, Gurjaani, Telavi and Kvareli:

Nukriani, Kvemo Bodbe, Kvemo Magaro, Jugaani, Tsnori, Ninotsminda, Tskarostavi, Giorgitsminda, Tokhliauri, Manavi, Patara Chailuri, Badiauri, Sanavardo, Bakurtsikhe, Shilda, Eniseli, Machkhaani, Arboshiki, Ozaani, Lechuri, Ikalto, Ruispiri, and Kardenakhi. Local residents were interested in legal registration of agricultural land plots, the spending of moneys allotted under the Village Assistance Program, pension matters, repudiation of a labor contract, registration in



the Unified Database of Socially Unprotected Families, the opening of inheritance at village families, registration of immovable property, purchase of leased land plots, village family books, and problems related to issuance of legal documents and performance of notarial functions by local government bodies.

GYLA's Achara Office paid an auto-tour to the following villages of the municipalities of Keda, Kobuleti, Khelvachauri, Khulo and Shuakhevi: Dologani, Makhuntseti, Dokhadzeebi, Chinkadzeebi, Chikvaidzeebi, Zundaga, Zurdagi, Kolotauri, Zeda Makhutseti, Kuchula, Merisi, Silibauri, Namonastrevi, Gundauri, Chalati, Inasaridzeebi, Garetke, Vashlovani, Shurmuli, Dekanashvilebi, Kedlebi, Duadzeebi, Diakonidzeebi, Iremadzeebi, Bugauri, Pantnari, Oktomberi, Stepanashvilebi, Labadzeebi, Gorjomi, Gorgadzeebi, Chakhauti, Merchkhети, Tsintskalashvilebi, Kviriאuli, Uchamba, Laklaketi, Jabnidzeebi, Khichauri, Tsvadzeebi, Takidzeebi, Chvana, Varjenauli, Skhepi, Beselashvilebi, Nigazeuli, Nenia, Dabadzveli, Urekhi, Mnatobi, Peria, Salibauri, Adlia, Ortabatumi, Chaisubani, Sharabidzeebi, Jocho, Akhalsheni, Tskavrovka, Sachino, Shuagele, Divati, Kakuti, Kokhi, Jikhanjuri, Tsetskhauri, Ochkhamuri, Gogmechauri, Natskhavatebi, Achi, Bobokvati, Tsikhisdziri, and Legva. Local residents were interested in recognition of property rights to land plots, State-run health programs, social assistance, protection of consumer rights and resettlement of eco-migrants. Almost in all of the villages, JSC EnergoPro Georgia has been gravely violating consumers' rights. GYLA representatives explained to the local residents the rules of calculating amount of electricity consumed when no individual electricity meters is assigned to each consumer. Lawyers from GYLA's Achara Office drafted a lawsuit for them on the spot, for its submission to a court, for having the unlawfully charged electricity fees written off. Our lawyers also advised the local residents on the rules and conditions of registration in the Unified Database of Socially Unprotected Persons, being granted a subsistence allowance and health insurance.

GYLA's Dusheti Office paid an auto-tour to the municipalities of Dusheti, Tianeti and Mtskheta. Meetings with the population were held in 40 residential settlements, including in the following villages: Nadokra, Gorana, Balebiskhevi, Simoniantkhevi, Tsalgvelaantsopeli, Meliskhevi, Tolenji, Siontgori, Kvernaula, Kviriiskhevi, Gulelebi, Trani, Sakdriani, Veltaurebi, Chubiniantkari, Dolaskedi, Tushurebi, Javakhiantkari, Chitaurebi, Arabulebi, Jugisi, Kharkheti, Kvavili, Tsilkani, Chanadirebi, Mezvriantkari, Naoza, Dudaurebi, Dgnali, Toncha, Arguni, Tsikhisdziri. Local residents were particularly interested in legal registration of land plots, receipt of inheritance, civil status registration, being granted a pension addendum, State-run health programs, insurance, being granted social assistance, division of a family in villages, enforcement of judicial decisions, use of natural resources, being granted a pension for the loss of a breadwinner, and benefits prescribed for residents of mountainous areas.



GYLA's Ozurgeti Office paid an auto-tour to the following villages of the municipalities of Chokhatauri, Ozurgeti and Lanchkhuti:

Nabeglavi, Tsitelmta, Silauri, Chochkhati, Bokhvauri, Basileti, Kokhnari, Vakijvari, Naruja, Machkhvareti, Gogolesubani, Mtispiri, Vanzomleti, Nigoiti, Aketi, Erketi, Sachamiaseri, Erketi, Atsana, Pampaleti, Shedrekili, Kviani, Shromisubani, Meria, Askana, Goraberezhoulі, Shemokmedi, Buknari,

Zotikeli, Papara, Bakhmaro and Chkhakoura. Local residents were interested in recognition of property rights to land plots, registration of immovable property, land privatization, benefits available for residents of mountainous areas, division of family in villages, protection of consumers' rights, use of forest and other natural resources, tax allowances and social issues.

GYLA's Rustavi Office paid an auto-tour to the villages of the municipalities of Dmanisi, Marneuli, Tetrtskaro, Gardabani and Tsalka: Beglari, Imiri, Abelian, Ksovreti, Iraga, Asureti, Chivchavi, Gamarjveba, Poladaantkari, Patara Dmanisi, Vardisubani, Didi Dmanisi, Shavsakdari, Jorjiashvili, Jigrasheni, Imerta, Khadiki, Guniakala, Akhaliki, Edikilisa, Tiakkilisa, Kushi, and Berta. During the meetings, we distributed awareness raising brochures printed by GYLA in Azerbaijani and Armenian languages. The local residents expressed their interest in the following issues: adoption of the Georgian citizenship, legal registration of land plots, legal determination of the fact of birth of children born not in medical institutions, correction of data in the civil status records, entitlement to pension and social assistance. It turned out that a major problem for the population of Kvemo Kartli is that they are not getting social assistance. Lawyers from our Rustavi Office immediately drafted written requests for the interested citizens for their submission to the local offices of the Social Services Agency requesting registration in the Unified Database of Socially Unprotected Families. We also learned about the problems of eco-migrants moved to these villages from mountainous Achara. They asked GYLA's lawyers for assistance in being granted title to immovable properties, which they physically possess.



GYLA's Kutaisi Office paid an auto-tour to the municipalities of the Racha-Lechkhumi-Kvemo Svaneti region; in particular, the municipalities of Oni, Ambrolauri, Tsageri and Lentekhi. Meetings with the population were held in the following villages: Opitara, Zubi, Okureshi, Makhura, Tsiperchi, Khopuri, Mazashi, Lamanashuri, Nanuri, Tsiplakaki, Rtskhmeluri, Orbeli, Sori, Gadamshi, Nigvznara, Utsera, Shovi, Glola, Gari, Sadmeli, Khvanchkara, Pirveli Tola, Meore Tola, Chrebalo, Chorjo, Tsesi, Gendushi, Nikortsminda, Kveda Zhoshkha, Zeda Zhoshkha. Meetings were also held in the Sakrebulo (local legislative organs) of Tsageri, Lentekhi, Oni and Ambrolauri as well as in areas densely populated by internally displaced persons (IDPs). Local residents were interested in recognition of property rights to land plots, registration of immovable property, land privatization, benefits available for residents of mountainous areas, social assistance available for persons below the poverty line, transfer of property to the local self-governance body, protection of consumers' rights, use of forest and other natural resources, tax benefits, resettlement of eco-migrants affected by natural calamities, competences of local self-governance bodies and other social issues. We encountered many instances when, due to various errors in employment record books and other documents, citizens were unable to have their length of employment calculated for the purpose being granted a pension. Our lawyers assisted them in having these facts legally determined.

GYLA's Kutaisi Office paid an auto-tour to the Samegrelo region. Meetings were held in the Gamgeobas (local government bodies) of Martvili, Chkhorotsku, Tsalenjikha, Khobi and Zugdidi; areas densely populated by IDPs; the following villages of the municipalities of Poti, Abasha and Senaki: Didi Chkoni, Jgali, Chkadua, Chaladidi, Shamgona, Koki, Orsantia, Darcheli, Anaklia, Teklati, Nosiri and Marani.

MOBILIZATION AND TRAINING OF INTERNALLY DISPLACED PERSONS

In cooperation with its partner organizations, GYLA continued to actively participate in the process of mobilizing and training IDPs from collective settlement areas. As foreseen in the action plan, it became important for the IDPs who acquired title to residential spaces they were simply physically possessing before to decide common problems related to their residential building by means of a homeowners' partnership. To this end, within the project entitled "Strengthening the capacity of the Georgian Ministry for Refugees and Accommodation", 9 trainings were conducted; groups of 15 people in each were invited from IDP collective settlement centers to participate in the trainings.

During the reporting period, we continued paying mobile visits to IDP collective settlement centers and new settlement areas that had been selected in 2009 from entire Georgia. In addition, in July 2010, we selected 30 more IDP collective settlement centers and 20 new settlement areas for implementing mobile visits. The visits were aimed at informing the IDPs concerning the privatization process as well as other legal issues and measures undertaken by the State. A total of 229 mobile visits were made in the reporting period.

In June 2010, we published a brochure **"About a Homeowners' Partnership"**. Further, we published 6 issues of an information bulletin entitled "Your Herald" providing information on measures undertaken by the State in relation to IDPs, pension issues, social assistance, legal problems faced by IDPs and successful advocacy mechanisms. IDPs were able to obtain these information bulletins during the mobile visits as well as in GYLA's offices.



MEETING WITH THE PATRIARCH

In March 2010, members and employees of the Georgian Young Lawyers' Association met with His Holiness and Beatitude Patriarch of Whole Georgia Ilia the Second.

Main topics discussed at the meeting were the development of democratic institutes and justice system in Georgia as well as GYLA's activities and its role in this process.

At the end of the meeting, members of the Georgian Patriarchate provided GYLA with information on certain problematic legal issues and asked to take measures in response.



HUMAN RIGHTS WEEK

In December 2009, GYLA has traditionally commemorated 10 December, the International Day of Human Rights, and dedicated a special Week to it.



Taking into consideration the nearing elections of self-governance bodies, the Week was opened on 8 December a round table on the topic of elections. In addition to non-governmental and international organizations working on election issues, representatives of the Georgian Central Election Commission and Head of Legal Affairs Committee of the Georgian Parliament participated in the round table.

9 December was dedicated to analyzing GYLA's anti-corruption activities. Together with its partner organization "Green Alternative", GYLA presented results of the monitoring of the Vaziani-Gombori-Telavi Motor Road Rehabilitation Project.

On 10 December, the International Day of Human Rights, the Georgian Young Lawyers' Association lodged a constitutional lawsuit concerning the Law of Georgia on Assembly and Manifestation with the Constitutional Court.

The Week was closed on 11 December. That day, GYLA, together with its partner non-governmental organizations, sent recommendations to the Parliament concerning the draft amendments to the Georgian Election Code.

26 JUNE, INTERNATIONAL DAY OF PROTECTION OF VICTIMS OF TORTURE

During the reporting year, the Georgian Young Lawyers' Association has been traditionally actively involved in the monitoring of measures undertaken by the State against torture.

On 26 June 2010, with its partner organizations "The Human Rights Center" and the Association "Law and Liberty", GYLA organized a movement "**Do Not Torture**". Members of the movement posted a banner with the words "Do Not Torture!" in front of the Tbilisi Main Department of the Ministry of Internal Affairs. Everyone had the chance to express solidarity to victims of torture by his/her signature.

The same day, the Georgian Young Lawyers' Association made a presentation of a report concerning illtreatment entitled "**Fight against torture, inhuman, cruel or degrading treatment or punishment in Georgia: current problems and challenges**". The report focuses on the following important issues:



1. Current legislation concerning illtreatment;
2. Effectiveness of investigation of facts of illtreatment;
3. National Preventive Mechanism against Torture;
4. Effectiveness of the zero-tolerance policy toward illtreatment;
5. Conditions in the penitentiary institutions and pre-trial detention facilities of the Ministry of Internal Affairs;
6. Improvement of detainees' registration system in the Ministry of Defense detention facilities and creation of an electronic database;
7. Evaluation of steps made towards raising public awareness on illtreatment.

A MOVEMENT TO SAVE THE DIGOMI GREEN PARK

On 23 September 2010, together with its partner organizations, GYLA organized a movement entitled "Save the Digomi Green Park". The author of the idea and the initiator of the movement is artist Ana Gabriadze. The movement was implemented with the financial support of the Open Society – Georgia Foundation.

The movement was aimed at saving the Digomi forest, which is the only recreational zone survived in Tbilisi, from felling and attracting the public attention to this matter. By decision of the Tbilisi Sakrebulo, a large part of the territory of the Digomi Park has been sold already and the buyer has the right to erect building thereon.



Journalists, diplomatic corps and representatives of non-governmental and international organizations attended the movement. We showed a documentary movie shot by Studio "Monitor" about the history of the Digomi Green Park and the expected problems.

28 SEPTEMBER, INTERNATIONAL DAY OF FREEDOM OF INFORMATION

The Georgian Young Lawyers' Association traditionally commemorated 28 September, the International Day of Freedom of Information.



We organized a movement in front of the Ministry of Justice with a slogan "What is your salary addendum?" GYLA representatives distributed information posters and flyers calling on the public officials to make their State-paid revenues transparent and the citizens to demand this information from public officials. By means of the movement, we reminded the public of its right to know what amount of money is being spent from the State Budget. Later, the participants moved to the Tbilisi City Hall and the Ivane Javakhishvili Tbilisi State University.



At the same time, posters printed by GYLA concerning the matter of transparency of salaries and addenda to salaries were sent to State institutions.

The same day we held another event – presentation of research works entitled “The Status of Freedom of Information in Georgia”. The event was participated by representatives of State institutions, persons responsible for the release of public information, experts, journalists, representatives of local and international non-governmental organizations and a judge of the Supreme Court of Georgia.

Three research works were presented:

1. Analysis of legislative amendments concerning freedom of information;
2. Transparency of the spending of the State Budget in Georgia (access to information concerning salaries, salary addenda and travel allowances paid to public officials);
3. Analysis of reports on compliance with the requirements of the freedom of information prepared on 10 December.

The presentation was followed with a discussion on freedom of information-related matters of concern.

FUTURE WITHOUT POVERTY

The Georgian Young Lawyers' Association is implementing many successful projects in partnership with various non-governmental organizations within the framework of coalitions. One of such coalitions is entitled “Future without Poverty” that unites up to 30 non-governmental organizations and 300 individuals. The coalition was created in 2005. Its goal is to remind the Georgian Government periodically about the obligations assumed by signing the UN Declaration in September 2000 concerning the overcoming of poverty until 2015 and achievement of 8 millennium goals. Furthermore,



the coalition is permanently working on raising public awareness of the aforementioned goals and the Georgian Government's obligations mentioned above. A great deal of actions, events, round tables and seminars are held to this end.

The current reporting period has been particularly important for the coalition, since only 5 years are remaining till 2015; accordingly, we evaluated results of the work of the Georgian Government to respond to millennium challenges.

The coalition organized two large-scale events:

1. On 7 April, the International Day of Health, we organized a marathon with students' participation in Batumi.
2. The coalition commemorated 17 October, the International Day for the Eradication of Poverty, by holding a concert in which young Georgian singers took part.

Basic messages of the events were directed to the Georgian Government.

LOCAL SELF-GOVERNANCE ELECTIONS OF 30 MAY 2010: YOUNG LEADERS FOR RAISING VOTERS' AWARENESS

Members of a Leaders' Club formed on the base of GYLA's regional offices in past years were actively involved in a voters' informing and awareness raising campaign in 5 regions of Georgia in the pre-election period this year. Residents of the regions were receiving information on pre-election and election processes, importance of participation in the elections, competence of local self-governance bodies, how and when the voters could check whether they were included in the voters' list, etc. In the pre-election period, the leaders prepared and disseminated 5 different booklets. In April and May, the leaders covered up to 400 villages in 38 municipalities and met with about 18,000 voters.



FACILITATING EFFECTIVE,
ACCOUNTABLE
AND TRANSPARENT
GOVERNMENT

FACILITATING EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT

Effective governance remains a priority for GYLA. Regardless of how widely the population is provided information and specific violations of human rights are responded, democratic institutions cannot be expected to be developed without effective, accountable and transparent governance.

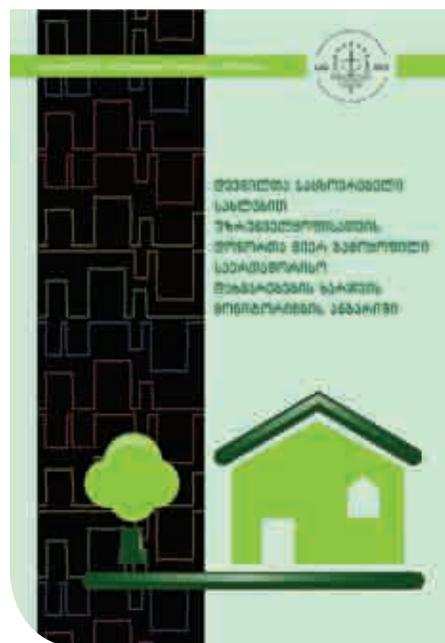
One of the main directions of GYLA's anti-corruption activity is the monitoring of the spending of international aid. As a result of the donors' conference held in Brussels on 22 October 2008, donor countries and organizations allotted 4.55 billion USD to Georgia with the aim of facilitating the development of Georgia's economy and improvement of its infrastructure as well as providing forcibly displaced persons with food, shelter and minimum subsistence.

With the support of the Open Society Foundation and the Open Society – Georgia Foundation, GYLA carried **out monitoring of the spending of international aid allocated by the donors for IDPs' provision with homes** and **monitoring of the rehabilitation of the Vaziani-Gombori-Telavi motor road rehabilitation**. These activities were implemented within the coalition entitled "Transparent Financial Aid to Georgia". The coalition was formed right after the donors conference was held in Brussels in order to help spend the grant moneys allotted to Georgia in a transparent manner. The coalition has been successfully active since then. The quality of effectiveness, accountability and transparency of governance can be best measured, inter alia, by evaluating compliance with requirements of freedom of information in the country. To this end, we analyzed **transparency and accessibility of public information** and published a relevant report thereon.

MONITORING OF THE SPENDING OF INTERNATIONAL AID ALLOCATED FOR THE PROVISION OF IDPS WITH HOMES

GYLA studied activities implemented by the State within the international aid allocated by donors for the purpose of providing internally displaced persons with homes. In particular, we looked into legal documents concerning constructions run directly by the State through local self-governance bodies, Public Law Entity "Municipal Development Fund" and the Ministry for Refugees and Accommodation.

Monitoring showed that, although the State has performed a significant volume of work to provide IDPs with homes, this process was paralleled by violation of a whole series of legislative requirements and improper fulfillment of contractual obligations. These shortcomings and the resulting poor quality works cast doubt on effectiveness of the measures implemented and appropriateness of expenses made.



MONITORING OF THE REHABILITATION OF THE VAZIANI-GOMBORI-TELAVI MOTOR ROAD

Implementation of the project for the construction / rehabilitation of the Vaziani-Gombori-Telavi motor road started in 2008. Works performed at the initial stage were financed from the State Budget, however, a major part of the project was carried out with finances issued to the Georgian Government by the World Bank as a loan.

Our monitoring revealed the following legal violations:

- Improper planning of state procurement;
- Conducting of tenders in violation and avoidance of legal procedures;
- Carrying out state procurement by the Department against the lack of financial resources;
- Ineffective spending of State Budget resources;
- Carrying out construction activities without having agreed with appropriate bodies in advance.

Violations revealed by GYLA as a result of monitoring once again confirm the necessity to have this process run in a transparent manner. For the moment, the road construction project is still at the implementation stage. Accordingly, GYLA will evaluate subsequent stages of the Vaziani-Gombori-Telavi motor road construction next year.

TRANSPARENCY OF AND ACCESS TO PUBLIC INFORMATION IN GEORGIA

The mentioned research was made within a regional project entitled "Monitoring of transparency and accessibility of public information". Similar researches were carried out in three countries: Ukraine, Azerbaijan and Kyrgyzstan.

The research conducted by GYLA in Georgia helped create a general picture of compliance with freedom of information requirements, enforceability of guarantees provided by law and main trends. Results of the research showed that the revealed violations and barriers to access to public information are inhomogenous and multi-angled. In some cases, the barriers are caused by unclear legal provisions or absence of legal framework; however, the research showed that unlawful actions and unlawful practices are quite often incidental to administrative bodies.

According to the monitoring results, regardless of the 10-year existence and application of the General Administrative Code, problems in terms of freedom of information remain on the agenda. In particular, accessibility of information depends not on the contents of the information requested but on individual State institution's free will whether or not to make specific information public or secret.

FACILITATING CITIZENS' INVOLVEMENT IN THE DECISION-MAKING PROCESS AT A LOCAL LEVEL

In the reporting period, GYLA's offices (especially those in the regions) have been active in involving citizens in the decision-making process. Of the activities carried out, we would like to point out the activity implemented by young leaders within the project entitled "People's manifesto". The Georgian Young Lawyers' Association, together with its partner organization International Society for Fair Elections and Democracy, has run an awareness raising campaign for active citizens and civic organization in Georgia's 62 municipalities and self-governing towns. By means of monitoring local self-governance bodies, the project was aiming at increasing skills of citizens and local community organizations, making local population more active by getting involved in resolution of own problems, strengthening transparency and accountability of local self-governance organs and increasing the role of political parties / political subjects in the process of resolving problems at a local level.

Training of citizens and monitoring of self-governance bodies. In each municipality, we selected active citizens from the local residents whom we trained in active citizenship and monitoring of local self-governance bodies. **904 citizens from 62 municipalities** were trained. At the same time, we selected **initiative groups** who would then monitor the activity of local self-governance bodies. Monitoring was directed at transparency of local self-governance bodies, participation of the public in the budget-making process and lobbying the interest of the public in this process.

Focus groups. For the purpose of revealing local residents' problems, we organized 83 meetings with focus groups in 62 municipalities. In total, **960 respondents** took part in the focus group meetings. The goal of the meetings was to inform political subjects participating in the elections of the needs of local residents. Presentations were held in the format of round tables where the citizens were able to discuss proposed solutions to their problems together with representatives of political parties. GYLA and its partner organization presented results of its research to political parties participating in the elections of local self-governance bodies.

Training of representatives of local self-governance bodies. Representatives of local self-governance bodies from Georgia's 63 municipalities are being trained in the topic entitled "A budget of a local



self-governance body and the budget process". The topic was selected deriving from the needs of representatives of local bodies. Knowledge acquired at the training sessions will help them in their day-to-day activities.

In addition to the above-described activities, members of the GYLA's Young Leaders Club:

- Covered 38 municipalities of the 5 regions of Georgia;
- Participated in 300 public sessions;
- Held meetings with 25,000 residents from 450 villages to identify local problems;
- Interviewed 9,000 local dwellers;
- Lodged 135 requests for the release of public information;
- Based on problems identified by means of interviewing citizens, prepared 5 drafts of social projects and submitted them to local self-governance bodies;
- Assisted citizens in drafting about 50 applications and their later submission to local self-governance bodies;
- Prepared 30 recommendations for local self-governance bodies;
- Organized 5 meetings in which 150 representatives from 38 municipalities took part;
- Participated in 8 radio and 12 television programs, 2 televised talk-shows and in preparing 9 newspaper articles.

Young leaders have achieved many successes as a result of their activity:

- The Governor of Marneuli informed the young leaders from Rustavi in writing that, in pursuance of the application they filed, amount of money required for resolving the problem of potable water in Village Tsereteli and the problem of football field in Village Akhali Dioknisi will be included in the 2010 budget.
- The Kaspi Municipality resolved the problem of provision of potable water to a kindergarten in Village Teliani and the process of gasification started in several villages.



- As a result of an application filed by the young leaders with the Governor of Khashuri concerning gasification problem, gasification works have started in some districts of Khashuri and in Village Surami of the Khashuri Municipality.
- Works have started on Chermiskhevi in Village Akhasheni: the area was cleaned up and a territory was allocated to arrange a garbage dumpyard. Thus, the village will have a dumpyard in the near future.

- A water pump was installed in Village Ulianovka of the Signagi Municipality. Water is not provided to the school and the kindergarten and their adjacent areas. Sources for water taking were arranged for 20 districts in the municipality.

FACILITATING AN EXTENSIVE AND INFORMED DIALOGUE ON CONFLICTS, SECURITY AND PEACE IN GEORGIA

The program is being implemented jointly by the Georgian Young Lawyers' Association, the Caucasian Institute for Peace, Democracy and Development and Saferworld. The goal of the project is to help the civil society in Georgia analyze problems related to conflict and security and play a positive role in this areas. The process includes a two-way dialogue between main group members made of civil society representatives and broad public in four regions of Georgia, with the following aims:

1. Understanding the view of the public concerning conflict-related issues;
2. Provision of balanced and impartial information on conflict-related issues;
3. Helping the public view the conflict-related issues in a the light of a wider profile;
4. Informing the public on views spread in different regions.

Methodology of the dialogue process is focused at community, regional and national levels. In each region, we selected members of a main group members from representatives of the public who were meeting regularly within the group during the reporting period. The main group members were then holding consultations within their appropriate small communities by means of guidelines they were receiving before the start of each round of meetings. Following the consultations, they were making presentation of the results of consultations at regional meetings. Thus the results were being accumulated and submitted to representatives of other regions at periodical national meetings. A total of 4 regional and 2 national meetings have been held this far. Views concerning conflict- and security-related issues that were identified within the project will be used in the future as a basis for a dialogue between the civil society and policy-makers at national and international levels.

Within the program, **four regional forums were created in Shida Kartli, Samegrelo, Kvemo Kartli and Samtskhe-Javakheti**. The process involves different organizations from the civil society which, normally, do not work on conflicts but have the capacity and skills to elaborate a general conflict analysis, determine major priorities to ensure peace and security and to provide specific recommendations to persons making decisions at national and international levels. The process is expeted to result into a unified document outlining views and recommendations for changes.

In the reporting period, results received from regions were summed up at the first national meeting held in Tbilisi; on this basis, we published a first report entitled **How the public in Kvemo Kartli, Samegrelo, Samtskhe-Javakheti and Shida Kartli perceives the causes and results of the August 2008 conflict**".

The aforementioned work showed that the public in the regions is experiencing lack of information. Local residents are either wrongly informed or are not informed at all about both the State Strategy and Action Plan Concerning the Occupied Territories and the role of international organizations and foreign countries in the ongoing processes. Bearing this in mind, meetings have been planned, and are currently in the process of preparation, between the representatives of the central and local Government on the one hand and local civil society on the other hand. This is expected to be a two-

way dialogue between the Government and the public on the abovementioned issues. In addition, an information brochure will be published that will contain a collection of information on missions and mandates of different international organizations.

MONITORING OF THE 30 MAY 2010 LOCAL SELF-GOVERNANCE ELECTIONS

On 29 January 2010, GYLA's Board made a decision at its session to monitor **the pre-election period** in the capital city and seven regions of Georgia: Achara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti and Mtskheta-Mtianeti. As regards **the election day proper and the election results summing up procedures**, it was decided to conduct monitoring in three big towns: Tbilisi, Kutaisi and Batumi.

The decision to monitor elections in the mentioned towns was made for several reasons: GYLA would monitor elections using its members, employees and experience election observers (250 observers in total); accordingly, we were confined to several regions in terms of scale of observation. The decision to monitor elections in Tbilisi was also based on the fact that it would be the first time on 30 May when the Tbilisi residents would directly elect a city mayor. Furthermore, due to large number of voters in these towns, competition among the election subjects was the highest.

GYLA's activity in the reporting period was not confined to detecting violations only; in particular, by lodging complaints with the election administrations and courts, GYLA was trying to facilitate advanced interpretation of election laws, the taking of legal measures against those violating the election legislation and the prevention of future violations.

Pre-election period

In the pre-election period, GYLA's observers were obtaining information by different means. We were requesting public information from the Election Administration and other public institutions on the one hand and were monitoring information broadcast by media on the other hand. In addition, GYLA's representatives were attending canvassing meetings with voters organized by political parties. Often citizens and members of political parties would provide us, on their own initiative, with information on legal violations identified by them in the pre-election period. Following the receipt of such information, GYLA observers were verifying allegations on violations directly with the reporters.

If appropriate evidence were available, GYLA was challenging the facts of violations in the Central Election Commission, courts and law enforcement bodies. In the framework of the pre-election monitoring, GYLA challenged:

- Facts of violence and coercion against election subjects;
- Use of administrative resources prohibited by law;
- The giving of gifts and other items having financial value prohibited by law to the voters;
- Unlawful participation by public officials in the pre-election campaigning;
- Propaganda of violence.

The Election Day

On the Election Day, GYLA observers were carrying out permanent monitoring at 100 election precincts in Tbilisi, 50 precincts in Batumi and 50 precincts in Kutaisi. They were assisted by 20 mobile groups in Tbilisi, 10 mobile groups in Batumi and 10 groups in Kutaisi.

GYLA's lawyer observers were permanently stationed in district election commissions (10 election districts in Tbilisi and the election districts of Batumi and Kutaisi) and the Central Election Commission from the Election Day till the day when the results were summed up. GYLA drafted 41 complaints at the election precincts, inserted 30 comments in the records books, and lodged 13 complaints with the district election commissions.

A majority of complaints concerned violations of the election legislation such as control over the process of expression of their will by voters, interference with the work of observers and exertion of pressure upon them, and violations of the voting and ballot-counting procedures.

Period following the Election Day

The Georgian Young Lawyers' Association monitoring procedures following the Election Day in 12 district election commission in Tbilisi, Kutaisi and Batumi. Upon detecting a violation, GYLA was addressing district election commissions, the Central Election Commission and courts with relevant complaints. In lodging the complaints, GYLA was putting a special emphasis on **imposing disciplinary and administrative liability measures upon the violating members of elections commissions** as an effort to prevent future violations of the election legislation. After the Election Day, GYLA submitted a total of 41 complaints to district election commissions, 7 complaints to the Central Election Commission and 8 lawsuits to courts.

PARTICIPATION IN LAW-MAKING PROCESS

The Georgian Young Lawyers' Association is the only non-governmental organization to-date in Georgia, which has a permanent staff appointed as its parliamentary secretary. GYLA's parliamentary secretary actively participates in the discussions in the Parliament of Georgia and periodically provides the Parliament with legal opinions on proposed draft laws. It should also be noted that GYLA is not confined to analysis and criticism of draft laws but furnishes the Parliament with own proposals and wordings that can positively contribute to the development of legislation in force.

Legal opinions concerning draft laws

During the reporting period, the Georgian Young Lawyers' Association submitted **more than 20 legal opinions and up to 10 legislative proposals** to the Parliament. **Our participation in the work of the Georgian Constitutional Commission** should be mentioned separately. By 2009 Individual Order of the President of Georgia, GYLA was selected as a member of the Constitutional Commission. GYLA expressed three major comments on the draft



constitutional amendments prepared by the Commission:

1. The Commission made a hasty decision by adopting the draft amendments in as short term as 2 months;
2. The one-month period dedicated to public discussion of the draft coincided with the summer season that excluded the holding of intensive consultations with the public and political parties;
3. The proposed draft amendments do envisage cutback in President's powers but President remains an active actor in political processes;
4. The Government's functions are significantly increased but without appropriate accountability mechanisms;
5. The Government possesses strong levers to influence the work of the Parliament without any facing any risk while doing so;
6. The Parliament's law-making role is diminished;
7. The Parliament is incapable of raising the issue of liability of the Government due to the fear that it may be dismissed;
8. The introduction of a probation term for judges cases doubts on the positive development that judges are appointed for life.
9. Even if judges are appointed for life, the political Government has levers to exert impact upon the independence of judges.

Among the legal opinions prepared by GYLA during the reporting period, some are mentioned below:

- Legal opinion concerning the Imprisonment Code of Georgia;
- Legal opinion concerning draft amendments to the Law on State Debts;
- Legal opinion concerning draft amendments about the rules of summing up punishments;
- Legal opinion concerning draft amendments to the Law on Occupied Territories;
- Legal opinion concerning draft amendments to the Civil Procedure Code and Administrative Procedure Code;
- Legal opinion concerning draft amendments to the Tax Code related to tax advantages for broadcasters;
- Legal opinion concerning draft amendments to the Administrative Offences Code;
- Legal opinion concerning draft amendments to the General Administrative Code related to freedom of information;
- Legal opinion concerning draft amendments to the Law on General Education related to school guards;
- Legal opinion concerning draft amendments to the Law on Constitutional Proceedings.

Georgia's highest legislative organ took GYLA's recommendations fully or partly into consideration in discussing a number of draft laws such as:

- **Draft Law on Normative Acts.** The new draft Law on Normative Acts was much improved compared with the Law in force but involved several significant shortcomings: types of administrative proceedings envisaged by the General Administrative Code were basically excluded in the process of enactment of normative acts; The Legislative Herald would be managed only electronically; and the principle of retroactive force of laws would be regulated completely differently. GYLA addressed the Parliament with the aforementioned comments some of which were taken into account by the Parliament.

- **Amendments to the Law on Recognizing Citizens of Georgia as Victims of Political Repressions and Social Protection of Victims of Political Repressions.** The amendments were inspired by the judgment of the European Court of Human Rights in the GYLA-led case entitled *Claus and Iouri Kiladze v. Georgia*. Instead of determining rules of compensation for damages inflicted as a result of political repression, the draft amendments were effectively cancelling the right to be reimbursed for moral damages. GYLA categorically opposed to this legislative proposal. In the end, the Parliament abstained from discussing and adopting the draft amendments.

In addition to those listed above, GYLA elaborated legislative proposals on the following topics issues:

- Concerning the draft amendments to the Election Code, for the purpose of improving the election environment;
- Administrative detention;
- Draft amendments to the Law on Rules of Communication with Judges of Courts of General Jurisdiction.
- **Amendments to the justice system.** The Georgian Young Lawyers' Association is preparing a voluminous package of legislative proposals concerning draft amendments to the justice system, which we will submit to the Parliament in the nearest future. The proposals are being elaborated on the basis of a special research undertaken by GYLA in the reporting period.

In the periodic research entitled **"Justice in Georgia"**¹, GYLA identified problems existing in the system of courts of general jurisdiction that make judges depend upon different persons or circumstances. In the course of preparation of the report, together with researching local and international standards and norms, we held meetings with current and former judges to evaluate the existing situation closer and more realistically. In particular, problems were identified in the following issues:

1. Rules of composition of the High Council of Justice;
2. Independence guarantees for the members of the High Council of Justice;
3. Rules of decision-making by the High Council of Justice;
4. Justice Minister's participation in plenary sessions of the Supreme Court;
5. Rules of communication with judges of courts of general jurisdiction;
6. Remuneration of judges of courts of general jurisdiction;
7. Internal regulations of judges;



¹ Full text of the report can be viewed at http://www.gyla.ge/index.php?option=com_content&view=article&id=386%3A2009-03-09-19-40-01&catid=1%3Alatest-news&Itemid=177&lang=ka

8. Guidelines and proposals on forming a uniform court practice;
9. The role of a president of court in courts of general jurisdiction;
10. Criminal liability of judges.

Having identified these and other problems as a result of the research, the Georgian Young Lawyers' Association elaborated draft amendments to the following laws: 1. Organic Law on Courts of General Jurisdiction; 2. Law on Distribution of Cases and Assignment of Authority on Other Judges in Courts of General Jurisdiction; 3. Law on Disciplinary Liability of and Disciplinary Proceedings Concerning Judges of Courts of General Jurisdiction; 4. Law on Rules of Communication with Judges of Courts of General Jurisdiction; and 5. Law on Remuneration of Judges of Courts of General Jurisdiction.



Detailed information on legal opinions and legislative proposals prepared by GYLA can be viewed at the following website:

www.gyla.ge/legislature

The database accessible at the above Internet link was specially created by Georgian Young Lawyers' Association to ensure access to the aforementioned information. The webpage is updated regularly and any interested person can search and download draft laws submitted to the Parliament of Georgia on which GYLA has prepared legal opinions. It is also possible to view texts of GYLA's legal opinions



and many other interesting and needed data such as the date of draft initiation, the initiators and authors of the drafts, the stage of review of the drafts, etc. The database is especially attractive and unique due to the video materials attached to the relevant files.

QUALIFIED AND
CONTINUOUS
LEGAL EDUCATION.
DEVELOPMENT OF THE
LEGAL PROFESSION

QUALIFIED AND CONTINUOUS LEGAL EDUCATION. DEVELOPMENT OF THE LEGAL PROFESSION

Upbringing of new generation lawyers and professional betterment for lawyers and retention of originality of the legal profession was and remains to be one of the important strategic directions for GYLA. In accordance with its Charter, Strategy and the established tradition, in the reporting period GYLA actively continued to implement educational activities at central and local levels. An alternative and continuous legal education for the young generation, facilitation to development of specific skills (such as debates, moot courts, etc.), provision of purposeful trainings and constant new information and publications – these are the activities **GYLA's Legal Education Facilitation Fund** offers to persons interested in the legal profession. The Fund was established in 2005 and has been successfully functioning since then.

The teaching methods normally used in European and western law schools still remain a novelty, unfortunately, or are not known at all to Georgian legal education institutions. Accordingly, there is a demand for a higher quality legal education. **On this basis, the Georgian Young Lawyers' Association remains a hearth of alternative legal education and professional betterment and its one of the strategic objectives is qualified and continuous legal education and development of the legal profession.**

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

- Yearly 6-month courses in Tbilisi in five areas of law
- **Novelty!** Courses in Batumi, Gori and Kutaisi
- Paid courses in Kutaisi.
- Internal and national tournaments in the art of debate in Batumi, Gori, Kutaisi, Telavi, Rustavi and Tbilisi
- Olympiad "Young Lawyers for Constitutional Rights" in the Constitutional Court of Georgia.
- Moot courts in the Supreme Court of Georgia.
- Law seminars for the attorneys and consultants of GYLA's Legal Aid Center on various legal problems.
- Public discussions
- Replenishment of the Legal Library with new literature
- Publication of law textbooks

Training courses offered by the Fund

In the academic year of 2009 – 2010, 300 students applied to GYLA's Legal Education Facilitation Fund of whom only 130 had the chance to attend the courses. The students were learning the following subject for the duration of 6 months:

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

At the end of the courses, 77 students were admitted to the final examination. Following the examination, only 30 students were awarded a joint diploma of GYLA and the Fund; others received certificates of attendance.



At the end of the courses, the Fund traditionally organized moot courts for its students. The imitated judicial hearings were assessed by a bench with the following composition: judges, lawyers, public officials, and specialized experts.

Unlike the previous years, this year courses were offered not only in Tbilisi but also in Batumi, Gori and Kutaisi. A total number of students in the regions equalled 65. The courses were led by highly-qualified experts selected both locally and from Tbilisi.



The art of debate

Raising law students' debating skills remains a priority for the Fund. During the reporting, the Fund organized debate courses both in Tbilisi and in 5 regions of Georgia. By participating in the courses, the students were able to master the art of constructive debate, culture of debate, quick thinking



and analytical abilities as well as the ability to receive and analyze information on legal and global matters. In April 2010, the Fund held internal tournaments in debates as a result of which winning teams and best debaters were identified. In May, a national tournament in debate was held in Tbilisi, in which winning teams from Tbilisi and the regions took part. **The Kutaisi team is the winner of this year's tournament.**

Olympiad "Young Lawyers for Constitutional Rights"

GYLA's Legal Education Center continued its tradition: in partnership with the Public Defender's Office, financial support of GTZ and in cooperation with the Constitutional Court, GYLA organized an olympiad entitled "Young Lawyers for Constitutional Rights" in the building of the Constitutional Court of Georgia.

77 teams from entire Georgia expressed their wish to participate in the olympiad. Unfortunately, the interest from the regions was low; accordingly, 99% of applicant teams were from Tbilisi educational institutions. Based on pre-determined criteria, 8 teams were selected: 7 teams from Tbilisi and 1 from Telavi. On 11 – 13 November 2009, **selection rounds as well as semi-finals and the finals were held in the Constitutional Court of Georgia.** The moot court sessions were chaired by Besik Loladze, Judge of the Constitutional Court; other members of the bench were legal specialists.

The olympiad was solemnly closed on 13 November. Giorgi Papuashvili, President of the Constitutional Court, addressed the participants with a speech and handed over a special prize contributed by the Constitutional Court to the best wizard of constitutional law. This honorary title was awarded to a member from the team of the Caucasus Law School. The Public Defender's Office handed over a special prize of "Best Interpreter of Human Rights" to a member from the team of the Tbilisi State University. The winner of the olympiad is the team of the Tbilisi State University that received a transient cup containing an inscription "Young Lawyers for Constitutional Rights".



Public discussions

In the reporting period, the Legal Education Facilitation Fund gave birth to a new tradition: periodic public discussions on different problematic issues and novelties. GYLA's members and students as well as any interested person can participate in the discussions.

The Fund's Civil Law Group organized a public discussion entitled "Does Georgia need a new Constitution?" on 5 December 2009. Honorary guests invited to the discussion were Avtandil Demetrashvili, Chairman of the Georgian Constitutional Commission and David Usupashvili, Constitutional Law Expert. 50 individuals took part in the discussion.



On 26 February 2010, the Fund organized a public discussion on the new Criminal Procedure Code. Guests invited to the discussion were Otar Kakhidze, Head of Legal Department of the Ministry of Justice and Gigla Agulashvili, an independent expert. The meeting was dedicated to discussing trends of development of criminal procedure and the novelties in the new Criminal Procedure Code such as jury trial and its pre-history. Also, a comparative analysis was made between the old and the new Criminal Procedure Codes. 30 individuals took part in the discussion.

Seminars for attorneys

GYLA is continuing the tradition of raising qualifications of its employees and various interest groups on problematic legal issues.

In November 2009, GYLA's Legal Training and Information Center organized a seminar entitled "Problems related to forced execution of judgments and decisions" for the attorneys and consultants of GYLA's Legal Aid Center. 30 individuals participated in the seminar.



On 22 – 23 March 2010, with the financial support of the Council of Europe, GYLA's Legal Training and Information Center organized a seminar entitled "Consistency of investigation of illtreatment complaints with the European standards". The seminar was aimed at lawyers working in criminal law. 35 attorneys and representatives of human rights organizations participated in the seminar, of whom 12 participants were from different regions of Georgia.

Trainings for various interest groups

In the reporting period, **a special emphasis was made on first aid nurses and doctors of penitentiary institutions who were trained in two stages** (11 – 13 December 2009 and 6 – 7 March 2010). The training session was entitled "Health and Human Rights". Judgments of the Strasbourg Court of Human Rights concerning the right to health, both against Georgia and concerning other countries, were discussed during the trainings. The training sessions also covered the National Preventive Mechanism against Torture and medical and psycho-social aspects of torture. Training participants were explained basic principles of OPCAT and the National Preventive Mechanism.



Information center (legal library)

Legal library of the Georgian Young Lawyers' Association remains one a kernel of the organization and an attractive place for students and other readers interested in legal literature. The library is serving 20 to 25 readers daily on average including law students, beneficiaries of GYLA's Legal Aid Center and other interested persons. The library is being updated on a yearly basis with newest legal literature. In the reporting period, GYLA's library **was replenished with 230 pieces of various books.**

The library also offers Internet services. In the reading hall, we installed personal computers equipped with the CODEX software. Consequently, readers interested in legal literature can access rare legal publications in our library and compare them with new amendments both through books and through the electronic system. It should be noted as well that the webpage of the Legal Education Facilitation Fund (www.legaleducation.ge) is functioning and is being updated regularly. The link



makes it possible to view books published by GYLA in an electronic format.

Administrative Law Textbook

It is the second year since the Fund has made its priority to translate highly-rated legal literature into Georgian language as well as to facilitate Georgian authors in creating and publishing new textbooks.

In April 2010, the Fund published “A Textbook of General Administrative Law” authored by Natia Tskepladze, Judge of the Supreme Court and Paata Turava, Associate Professor at the Ivane Javakhishvili Tbilisi State University. The textbook discusses basic notions of general administrative law. To ease the understanding of theoretical issues, the textbook contains examination questions and exercises as well as a great deal of cases from the practice of Georgian courts.



INTERNSHIP AT LEGAL AID CENTERS

GYLA Legal Aid Centers in Tbilisi and 7 regional offices make important contribution to development of the legal profession, raising of young lawyers' qualification and their formation as professional lawyers. The Legal Aid Centers are hosting successfully functioning legal clinics for law students.

The Legal Aid Centers run an internship program for last year students, students studying on master's degree and graduates of law faculties. The program enables its participants to develop practical skills required for lawyers. Internship lasts 6 months. To become an intern, it is necessary to pass a competition. During the internship period, students are participating in issuing legal advice. Under the direction of experienced lawyers, interns are drawing up legal documents, defending citizens' interests in courts, participating in various trainings, etc.

During the reporting year, a total of 199 beginning lawyers were able to undergo internship at GYLA's Legal Aid Centers in Tbilisi and in 7 regional offices. The internship experience equips our interns with the tools required to successfully make their way to employment in our offices, various administrative bodies and the private sector.

FINANCIAL REPORT

Reporting period: 1 October 2009 – 30 September 2010

This financial report covers a period between GYLA's 16th and 17th general assemblies. In this period, we received a total of 3,830,820.38 Lari from various sources in the form of grants, contributions and membership fees. A breakdown of this amount according to sources is shown below:

British Embassy	13,329.00 Lari
Council of Europe	22,688.78 Lari
Caritas	3,325.94 Lari
DRC	213,798.56 Lari
EHRAC	17,663.97 Lari
Embassy of the Netherlands	176,215.43 Lari
EURASIA	250,752.81 Lari
Europe Commission	1,683,886.22 Lari
International Foundation for Electoral Systems	97,678.88 Lari
International Organization for Migration	2,077.00 Lari
NDI	27,122.50 Lari
OSGF	93,029.36 Lari
OSI	227,865.60 Lari
Oxfam NOVIB	94,028.75 Lari
RJI	128,929.41 Lari
SaferWorld	160,918.74 Lari
Sida	521,641.49 Lari
US Embassy	50,344.25 Lari
Westminster Foundation for Democracy	32,217.75 Lari

Membership fees	1,185.00 Lari
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Contributions from individuals and legal entities	1,954.00 Lari
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Miscellaneous income	10,166.94 Lari
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During the reporting period, 239 employees were hired to perform other than one-time jobs, of which 129 individuals were employed in the regions. A total amount of reimbursements paid to such employees equals 1,598,365.48 Lari. One-time honorariums were paid to 369 individuals amounting to a total of 218,413.39 Lari.

The aggregate amount of income tax withheld from compensations, salaries and honorariums of private persons equaled 242,767.61 Lari.

During the reporting period, GYLA spent 112,488.48 Lari to purchase capital assets, of which 45,239.36 Lari was spent on regions.

On various low value office items purchased during the reporting period, a total of 45,325.87 Lari was spent, of which 21,117.40 Lari was spent on regions.

5,085.67 Lari was spent to purchase books and various periodicals for both the central office and regional offices' libraries.

134,603.27 Lari was used to organize seminars and meetings in both Tbilisi and regions.

345,495.68 Lari was spent on business trips of GYLA employees and members.

146,484.06 Lari was paid for rent of GYLA's office spaces.

69,137.03 Lari was spent on communication costs throughout the organizations, including 26,078.26 Lari for the regions.

During the reporting period, total expenditures equaled 2,997,534.68 Lari. A breakdown of the expenditure according to sources is shown below:

Black Sea Trust	40,054.69 Lari
British Embassy	12,563.56 Lari
Council of Europe	18,251.97 Lari
Caritas	3,054.26 Lari
DRC	207,877.82 Lari
EHRAC	18,083.69 Lari
Embassy of the Netherlands	41,434.47 Lari
EURASIA	106,794.36 Lari
Europe Commission	831,188.06 Lari
GTZ	107,069.25 Lari
International Foundation for Electoral Systems	92,003.54 Lari
International Organization for Migration	2,098.89 Lari
NDI	23,991.97 Lari
NED	54,252.75 Lari
OSGF	65,285.10 Lari
OSI	190,256.08 Lari
Oxfam NOVIB	669,394.98 Lari
R J I	100,467.76 Lari
SaferWorld	123,517.90 Lari
UNICEF	36,626.17 Lari
UNDP	92,311.68 Lari
US Embassy	30.00 Lari
USAID	132,104.38 Lari
Westminster Foundation for Democracy	25,726.73 Lari

GYLA's resources	3,094.62 Lari
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Georgian Young Lawyers' Association Summary Balance Sheet

As of September 30, 2010

	<u>Sep 30, 2010</u>
ASSETS	
Fixed Assets	786 124,79
Other Assets	2 000,00
Current Assets	
Accounts Receivable	2 576 226,87
Cash at bank and in hand	481 509,81
Total Current Assets	3 057 736,68
Current Liabilities	
Other Current Liabilities	-839,42
Total Current Liabilities	-839,42
NET CURRENT ASSETS	3 058 576,10
TOTAL ASSETS LESS CURRENT LIABILITIES	3 846 700,89
NET ASSETS	3 846 700,89

Executive Director:

[Handwritten signature]

Accountant:

[Handwritten signature]



GYLA GOVERNING BODIES

October, 2010

The Board Members

Tamar Khidasheli – Chairwoman
Qetevan Bebiashvili – Deputy Chairwoman
Besarion Bokhashvili
Zurab Burduli
Tamar Tomashvili
Otar Kakhidze
Tamar Kordzaia
Kakha Kozhoridze
Nino Lezhava
Nino Lomjaria
Tamar Metreveli
Gagi Mosiashvili
David Usupashvili
Ekaterine Pavlenishvili
Ekaterine popkhadze
Tamar Kaldani
Lali Chkhetia
Irakli Tsnobiladze
Khatuna Chitanava
Tinatin Khidasheli
Sofio Japaridze

Heads of Regional Offices

Adjara Branch – Nino Tavlalashvili
Kutaisi Branch – Nino Tvaltvdze
Rustavi Office – Ekaterine Pavlenishvili
Gori Office – Keteven Bebiashvili
Telavi Office – Marekh Mgaloblishvili
Ozurgeti Office – Tamaz Trapaidze
Dusheti Office – Sergo Isashvili



Responsible for publication: Tamar Khidasheli, Giorgi Chkheidze, Khatuna Kviralashvili

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Georgian Young Lawyers' Association

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