



ANNUAL REPORT

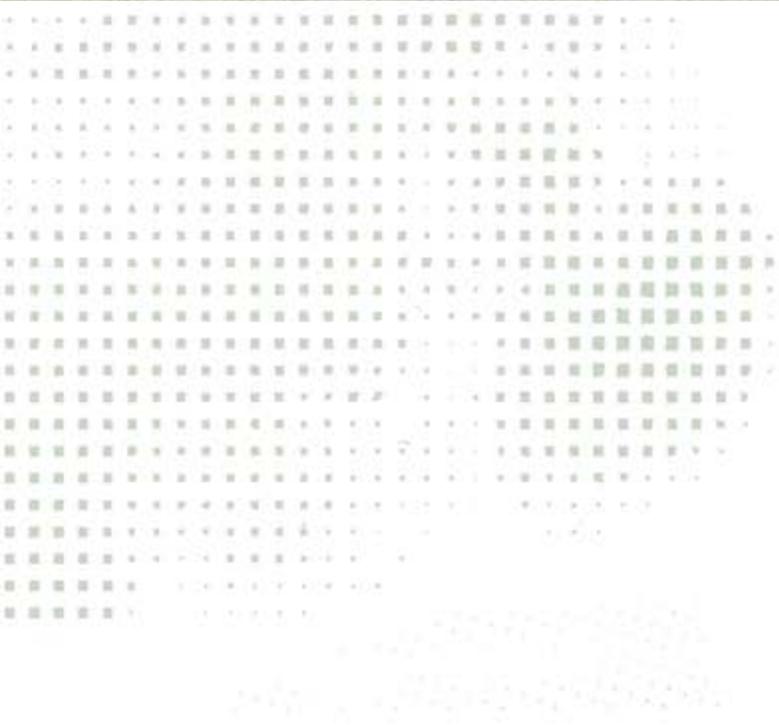
RULE OF LAW
FOR JUSTICE

2012

Responsible for publication: Ekaterine Popkhadze, Khatuna Kviralashvili

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2012

ANNUAL REPORT



British Embassy
Tbilisi

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*The Judicial Independence and
Legal Empowerment Project (JILEP)*



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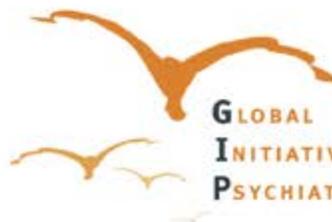
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The U.S. Embassy in Georgia

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*DEAR MEMBERS, COLLEAGUES,
AND FRIENDS,*

It is an honor for me as Chairperson of the Georgian Young Lawyers' Association (GYLA) to address you once again and congratulate you with summing up of the 18th year of GYLA's activities.

Together with the Georgian public, we managed to overcome the past year's challenges and difficulties. 2012 was a special year for Georgia since for the first time in history it saw power change through democratic election. GYLA had the honor to be one of the most active participants in the process, both as an observer and as an organization defending human rights. I feel pride that we managed to stay impartial, objective and professional throughout this extremely difficult period. In return, however, we received a great confidence and support from both international and local communities.

We had a great interest from the media too. GYLA's representatives were appearing in the local as well as in reputable international press and other media outlets on a daily basis or sometimes, even several times a day. This was, I believe due to a high public interest and trust towards us.

Throughout the year, GYLA was trying not to distance itself from the remaining non-governmental sector but stand united together with its friends and partners in demanding changes for country's democratic development. The most visible example of consolidation and cooperation within the civil society was the successful achievement of public-friendly changes in extremely problematic legislation, including the actual implementation of the well known 'must carry – must offer' principle during the pre-election period which had significant impact on the processes. It is also important to highlight extreme dedication and stupendous work by GYLA's employees on a daily basis to help thousands of individuals. This report will aim to outline mentioned activities in detail.

At the present stage of Georgia's development, we are facing new opportunities and challenges. On one hand, we see the readiness on the part of the government to stay involved and treat civil society views with prudence. This allows us to direct our knowledge and experience accumulated throughout the years for the right development of the country. On the other hand, however, we have always been and continue to act as a 'watchdog'. We should do everything possible to use these open opportunities for Georgia's democratic development and promote human rights through advice and healthy criticism.

To conclude, I wish to express huge gratitude to my colleagues, coworkers, partner organizations and individuals we have worked with in 2012 for their support and assistance. I believe in more interesting and important processes ahead of us. GYLA will face new opportunities and challenges with appropriate preparedness, new energy and its traditional commitment.

Respectfully yours,

Tamar Chugoshvili

Chairperson

The Georgian Young Lawyers' Association



MISSION STATEMENT OF THE GEORGIAN YOUNG LAWYERS' ASSOCIATION

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

In accordance with our Charter and our established tradition, we are pleased to submit a Report on the activities carried out by the offices of the Georgian Young Lawyers' Association in Tbilisi and 7 regions of Georgia in the year 2012 (reporting period starting 1 November 2011 and ending 1 November 2012).

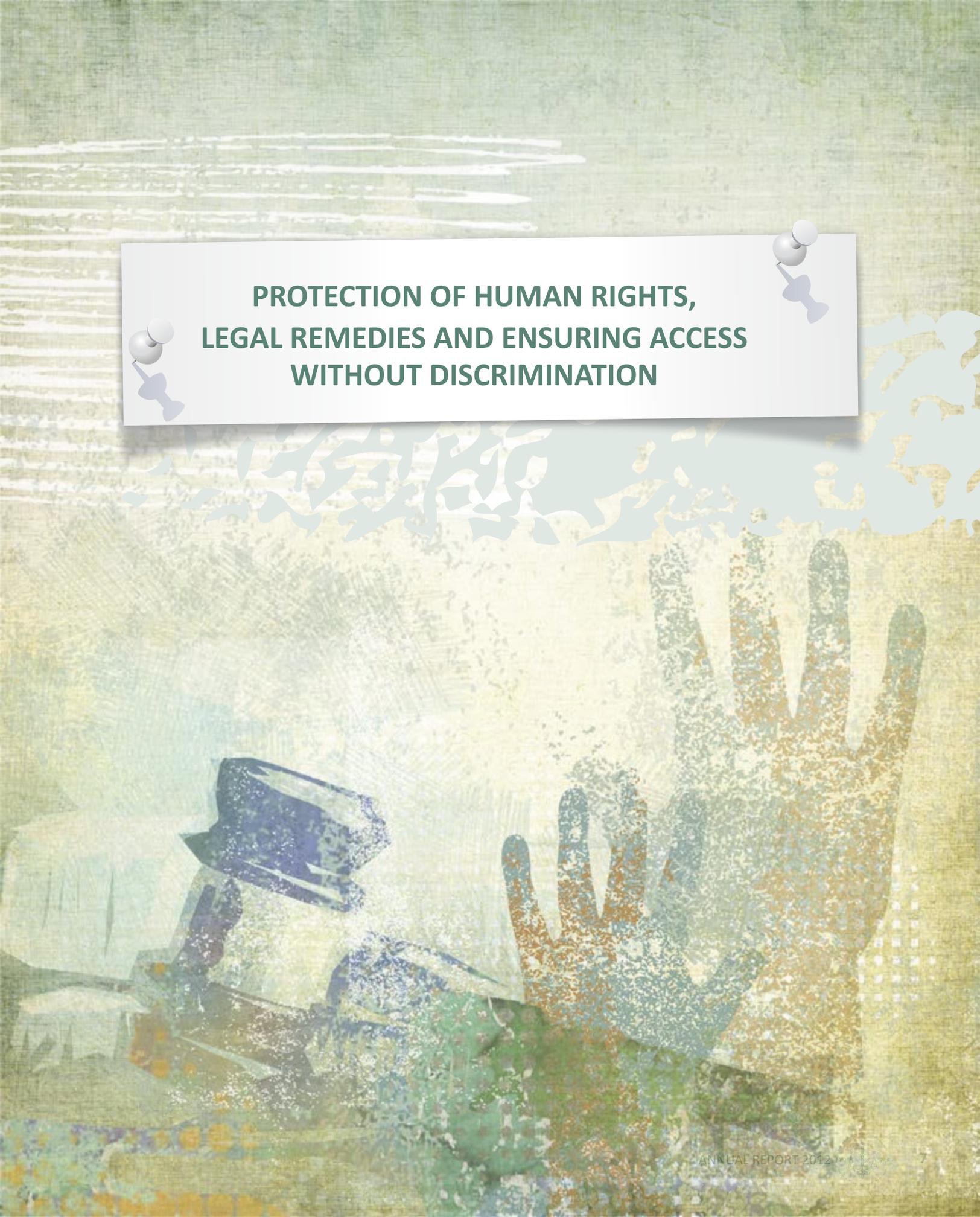
The structure of the Report, as in the previous years, is based on 4 strategic goals:

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

Our motto:

RULE OF LAW FOR JUSTICE

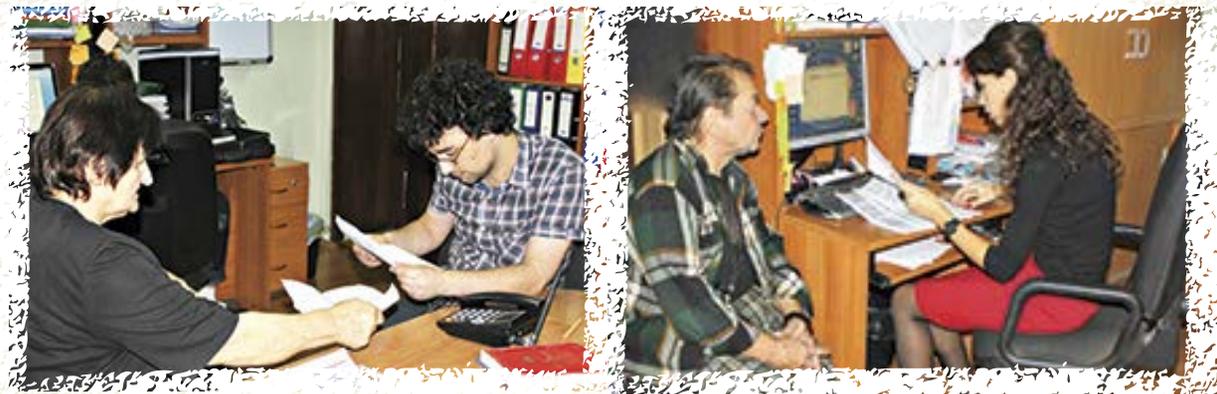




**PROTECTION OF HUMAN RIGHTS,
LEGAL REMEDIES AND ENSURING ACCESS
WITHOUT DISCRIMINATION**

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

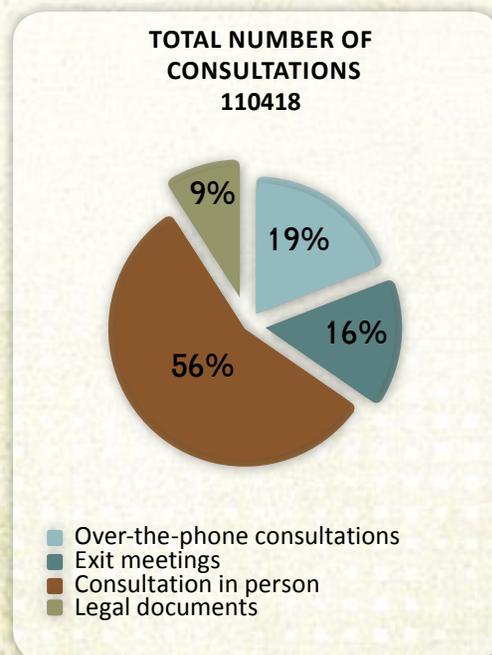
Protection of human rights has been one of the most important strategic goals for GYLA since its establishment. GYLA provides free of charge legal consultations to thousands of individuals on a daily basis through its offices in Tbilisi and seven other regions in Georgia. It pays special attention to target groups including internally displaced persons (IDPs), socially vulnerable people, disabled persons, juveniles, journalists, senior citizens, prisoners and other. In other words, GYLA reaches out to this segment of the society who is in need of free legal aid. When it comes to legal consultations, however, GYLA makes no restriction on the range of topics i.e. it provides free legal consultations to any interested person on any legal issue.



In the reporting period, GYLA's offices in Tbilisi and in seven Georgian regions delivered 110,418 pieces of legal advice.

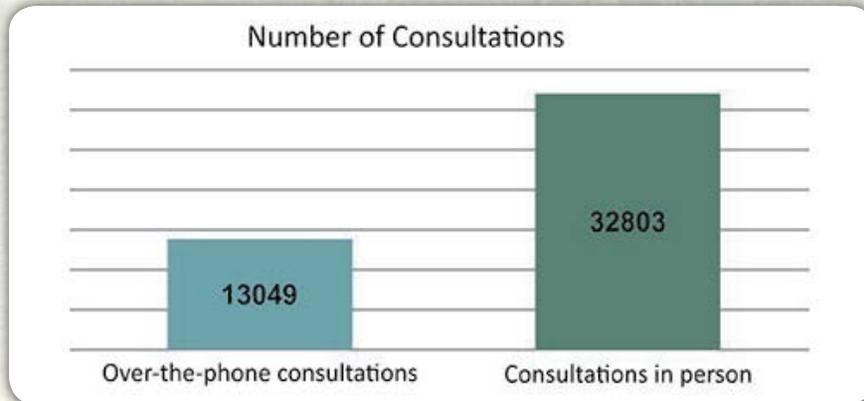
Highly tensed political developments, including October Parliamentary Election in 2012 and its pre-election period had a significant impact on the nature and number of legal assistance delivered by GYLA as a human right organization. It is of high importance to emphasize series of summons made by the Georgian Chamber of Control to question and collect statements from the individuals in connection with the political party funding as well as interrogations of the beneficiaries of the not-for-profit legal entity Komagi by law enforcement authorities. Increased number of administrative arrests and detention of civil and political party activists further dominated pre-election period.

This was further aggravated by serious violations of procedural and substantial norms prompting GYLA's Tbilisi and regional lawyers to work for 24 hours a day.

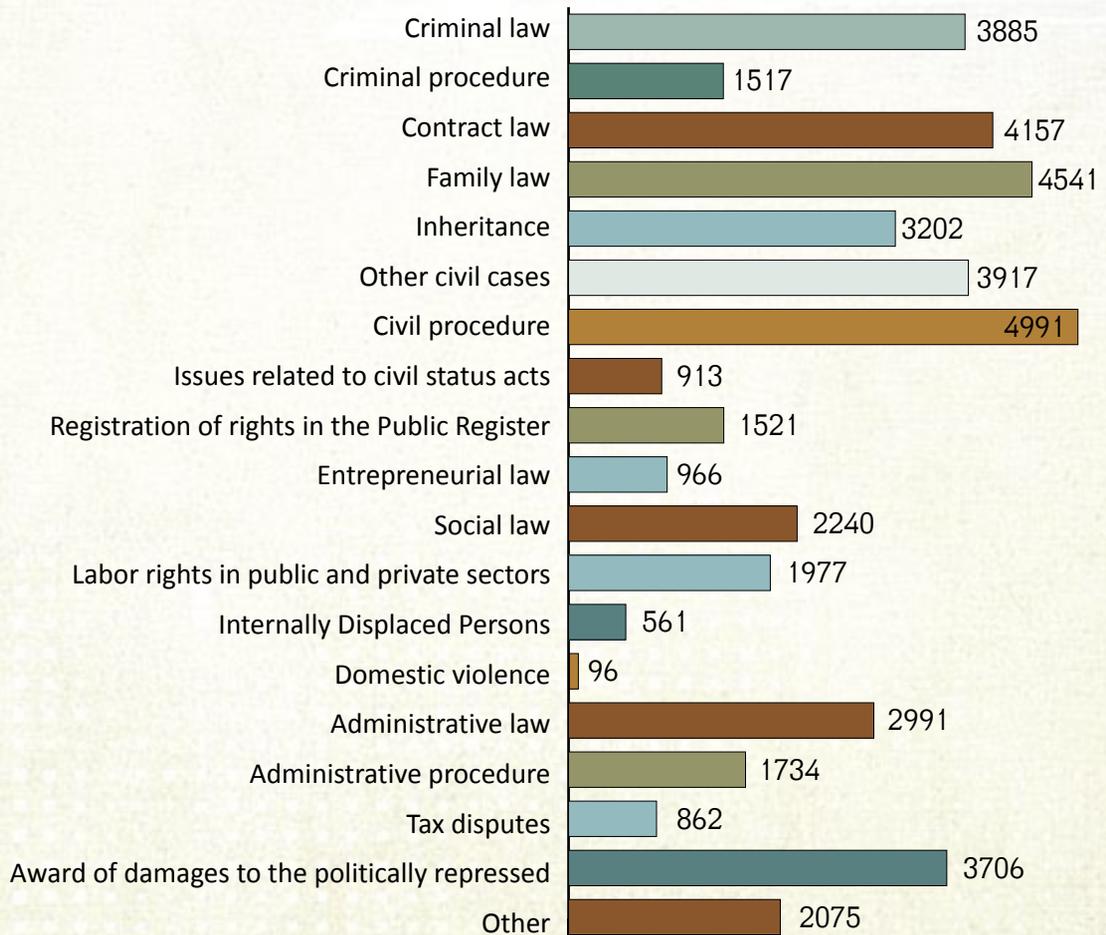


LEGAL ADVICE AND LEGAL DOCUMENTS

GYLA's Legal Aid Center in Tbilisi delivered total of **45,852 legal consultations** and drafted **2,247** different legal documents for citizens.



Legal advice issued by topics:



Similar to previous years, in the present year, GYLA's regional offices provided legal assistance to socially vulnerable people in the regions.

Statistical data of legal assistance provided to the beneficiaries in the regions is shown below:

Regional offices	Over-the-phone consultations	Consultations in person	Exit meetings	Media consultations	Total
Kutaisi	4746	11439	1203	150	17538
Gori	1536	12157	2709	437	16839
Rustavi	1820	2357	462	70	4709
Ozurgeti	324	3651	949	112	5036
Telavi	303	2067	247	8	2625
Achara	3411	9259	1459	394	14523
Dusheti	495	1726	992	83	3296

Throughout the reporting period, GYLA's regional offices issued a **total of 64,566 pieces of legal advice**.

LEGAL DOCUMENTS

Regional offices	Achara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Documents	6228	843	1338	540	628	208	234	10019

BASED ON LEGAL DOCUMENTS DRAFTED BY GYLA, THE FOLLOWING APPLICATIONS AND COMPLAINTS WERE DECIDED IN FAVOR OF THE APPLICANTS OR COMPLAINANTS:

- 88 lawsuits – concerning the recognition of the individual as a victim of political repression;
- 526 lawsuits – concerning the payment of monetary compensation to the victims of the political repression;
- 95 applications – concerning the recognition of individuals as legally incapable, who were appointed guardians and state pension.
- 29 administrative lawsuits – concerning the recognition of the length of employment;
- 118 children were awarded child support;

- 29 citizens became able to receive salaries that have been outstanding for years;
- fatherhood was established in relation to 31 children;
- 32 applications from the families requesting assessment of their socio-economic status from the Social Service Agency have been satisfied.
- 406 applications were upheld through correcting inaccuracies at title documents necessary to establish ownership. Due to existing inaccuracies, alleged owners could not register their property rights, receive inheritance or have pension add-ons. With GYLA's assistance, claimants were able to register their real estates in the Public Register, obtain inheritance certificate and receive pension add-ons in line with the length of employment.

LEGAL SERVICES

During the reporting period, GYLA's Legal Aid Centers continued rendering free-of-charge legal assistance to socially vulnerable individuals according to pre-determined eligibility criteria.

In this period, GYLA's Tbilisi Office dealt with 29 civil, 67 administrative and 42 criminal cases. For the moment, the GYLA's Legal Aid Center in Tbilisi is working on

- 49 administrative law cases
- 15 civil law cases and
- 17 criminal law cases.



REPRESENTATION BEFORE COURTS AND ADMINISTRATIVE BODIES

(Regional offices data)

Regional offices	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Achara	Dusheti	Total
Total number of cases	129	33	21	80	12	71	6	352
Administrative	33	21	6	27	5	24	0	116
Criminal	26	11	6	15	3	9	6	76
Civil	70	1	9	38	4	38	0	160
Successful cases	69	5	3	43	7	36	5	168

SUCCESSFUL CASES

Similar to previous years, achieving success in administrative and criminal law cases before courts remained an arduous task. Unfortunately, courts often disregarded facts and legal circumstances pertinent to individual cases and profoundly violated fundamental principles of procedural law. The right to defense was flawed. Plausible concerns continue to exist in terms of independence and impartiality of the judiciary to date. However, GYLA's lawyers did manage to achieve success in a number of cases.

Owing to a demonstrated commitment and a hard work, GYLA's lawyers have successfully litigated 206 cases during the reporting period. Some of the cases are briefly described below for a better illustration.

ADMINISTRATIVE CASES

- GYLA's lawyers from Tbilisi Office helped a disabled citizen M.G. to avoid unlawful fine issued by the Technical Supervision Service of the Tbilisi Mayor's Office and save the building from demolition.
- GYLA's Tbilisi Office provided legal services to citizen N.M, as a result of which, the court ordered the Ministry of Economy and Sustainable Development of Georgia to pay 52,966 Georgian lari to N.M. in compensation of damages.
- Through the legal assistance provided by GYLA's Tbilisi Office, the court annulled an administrative legal act imposed against M.F. to fine an individual entrepreneur with 400 lari for failing to use a cash register machine.
- After the legal representation of GYLA's Tbilisi office, I.D. received 892 lari in compensation for damages from the Patrol Police Department of the Interior Ministry. The Patrol Police Department was also ordered to remove any restrictions against I.D. allowing him to cross Georgia's international border without any impediment.
- Sagarejo District Court sentenced Z.G. and N.R., members of the political coalition Georgian Dream to administrative detention for 40 days. With the help of GYLA's Tbilisi Office, the Appeals Court released members of the political parties from the courtroom after reducing the administrative detention.
- The Patrol Police Department of the Interior Ministry unlawfully fined 79-year old female citizen M.K. with 700 Lari and further fined her for delaying the payment by 500 Lari. Through the legal representation of GYLA's lawyers, administrative legal act was quashed.
- GYLA has initiated a lawsuit to quash an individual administrative legal acts issued by the Chairpersons of Ozurgeti and Chokhatauri municipalities restricting entry and movement of citizens within the local government premises.
- Ozurgeti District Court upheld administrative lawsuit of A.Ch. against the Ozurgeti Office of the Social Services Agency. The court confirmed the claimants' 34-year length of employment together with a state pension and pension emoluments for a lengthy employment.
- GYLA's Achara Office provided legal services to citizen G.J. who' ownership over the land plots was initially recognized by the Kobuleti District Property Recognition Commission but later abrogated. The Commission declared void the certificate on land ownership issued by the Commission itself. Batumi Town court, however upheld G.J.s lawsuit in full. The Court declared void disputed decision of the Kobuleti District Property Recognition Commission.
- Gori Office, GYLA lawyers prevented the Ministry of Internally Displaced Persons, Accommodation and Refugees of Georgia from depriving IDPs Sh.B. and M.B. of their residential cottage.
- GYLA's Rustavi Office represented citizen V.I. against the Social Services Agency. V.I.'s administrative complaint was upheld and the Head of the Agency issued an order restoring payment of unlawfully suspended subsistence allowance in 840 Lari to the complainant.
- With the efforts of lawyers from GYLA's Dusheti Office, the National Agency of Public Register upheld citizens' (M.G., V.K., R.Z., G.S. and T.S.) administrative complaint demanding annulment of the deci-

sion issued by the Dusheti branch of National Agency. The Agency acknowledged that the property registration certificate submitted by the claimant was a legal basis for registering their real estate at the Public Register.

- Kutaisi Office, GYLA provided legal services to citizens M.Ch. and M.Ch. The Imereti regional coordination center of the Social Services Agency upheld the citizens' application for re-assessing socio-economic status of their families. As a result, the families were listed below the poverty line and became entitled to subsistence allowance.
- GYLA Lawyers from Gori Office helped five families below the poverty line to obtain subsistence allowance and a state insurance policy.

CIVIL LAW

- Tbilisi Office, GYLA provided legal services to I.M. a mother of three. The Court recognized her as a co-owner of the movable and immovable property. The claimant reached a friendly settlement after a divorce, whilst former husband (defendant) was ordered to pay the tuition fee for the private education of all three children together with the child support benefit of 300 Lari per month.
- Tbilisi office, GYLA represented a disabled person before the Court with a demand to compensate damage of prosthetics by the perpetrator. The claim was partially upheld and the defendant was paid 26,952.55 Euros.
- After the legal serviced provided by GYLA, Tbilisi office a citizen N.B. was reinstated as a teacher of Georgian language and literature. The claimant also received compensation in 1,411 lari for incurred loss.
- Lawyers from GYLA, Tbilisi Office helped students I.M. and K.M as they were reinstated on their third year at a high education institution. In addition, institution was ordered to reduce a tuition fee for the claimant to 1,500 lari per year (as opposed to the existing fee of 2,700 lari).
- Through the legal representation of GYLA, Tbilisi office-the Supreme Court of Georgia declared the decision of the JSC Tao Privat Bank on dismissing citizen K.O unlawful. The bank was ordered to pay to the claimant 27,000 Lari for damages.
- GYLA's Tbilisi Office helped J.M. to release attached movable property by the court.
- With the involvement of GYLA lawyers from Kutaisi Office, citizen J.Z. who suffered serious bodily injury in a car accident, received compensation to cover costs for emergency treatment payable through the state insurance program. The Kutaisi Town Court ordered the Insurance Company Alfa, previously refusing to cover the claimants' treatment to pay 3,912 Lari.
- Lawyers from GYLA's Achara Office represented 23 newly admitted students at the Shota Rustaveli Batumi State University. The claimants, soon after starting the academic year, stopped attending the university as they found it impossible to cover the tuition fee. The University, however, lodged a complaint demanding the students in question to pay tuition fee nevertheless. Both the Batumi Town Court and later the Kutaisi Appeals Court rejected the plaintiff's claim.
- GYLA lawyers from the Gori Office represented the interests of juvenile R.Kh's before the court where the Court restricted the mother's right to represent the child and found the violation of the child's right and R.Kh's lawful interests. The Court ordered the defendant to pay child support in 80 Lari per month.
- Through the help of GYLA lawyers from Rustavi Office, the Rustavi Town Court upheld a L.Ch.'s lawsuit on reinstating a lifetime alimentation to a vulnerable single pensioner. As a result, the pensioner was able to repossess her residential apartment.
- GYLA's Rustavi Office represented journalists N.Ts., G.B., M.J., I.G., N.A. and M.L. in the court. The Rustavi Town Court upheld the journalists' lawsuit and "Rustavi News", the defendant, was ordered to pay them their outstanding salaries totaling 4,000 Lari.

CRIMINAL LAW

- GYLA lawyers from Rustavi office represented journalists N.Ts., G.B., M.J., I.G., N.A. and M.L before the Rustavi Town court to demand the repayment of outstanding salaries in 4,000 lari from 'Rustavi News.'
- Citizen E.K. was charged with the crime under Article 362(1) of the Criminal Code (falsification of documents) and Article 180(1) (swindling). As a result of legal assistance provided by lawyers from GYLA, Tbilisi Office, the citizen was found not guilty.
- GYLA, Tbilisi Office provided legal services to citizen M.I. sentenced to seven years of imprisonment. After applying for pardon before the President of Georgia, M.I. was released from the imprisonment.
- G.K. was pleaded guilty of crime under Article 177 of the Criminal Code (theft). However, later, the defendant received more charges under Article 273 (unlawful making, procurement, storage or unlawful use without a doctor's prescription of small amount of drugs, their analogues or precursors, for the purpose of personal use). GYLA lawyers concluded plea bargaining and the defendant under both articles, was sentenced to one year imprisonment.
- T.J. was arrested in relation to an ongoing criminal case under Article 117(2) of the Criminal Code (intentionally inflicting heavy bodily injury, which resulted in death). GYLA's representative visited detainee and took part in his interrogation. As a result, prosecution decided not to bring charges against T.J. and released him from the pre-trial detention.
- T.P. was charged with the crime under paragraphs a and b of Article 177(2) of the Criminal Code of Georgia (theft, which caused serious damage, committed by unlawful trespassing). With the involvement of GYLA lawyers from Dusheti Office the Mtskheta District Court acquitted the defendant. T.P. was released from the courtroom.
- GYLA, Dusheti Office provided legal assistance to A.K. who was charged with the crime under paragraphs a and b of Article 386(2) of the Criminal Code (breach of rules governing relations among military servicemen, combined with humiliation of the victim's honor and dignity). The Tbilisi City Court found the defendant not guilty and acquitted on 22 December 2011.
- With the assistance of GYLA's Kutaisi Office lawyers, the Kutaisi Prosecution Office upheld a motion for concluding a plea agreement with the accused person. The Kutaisi Town Court, found L.G., a juvenile and an IDP guilty of a crime under Article 177(2)(a) of the Criminal Code (theft committed by unlawful penetration into a facility). L.G. was sentenced to two-year imprisonment, which was later converted into a conditional sentence. The court ordered a three-year parole period.
- Juvenile G.Kh., who was convicted by the Telavi District Court for a crime under Article 177 of the Criminal Code (theft) and sentenced. However, the Parole Bureau and the local self-government body could not agree on finding a job for the convict. For this reason, the Parole Bureau was intending to submit a motion to the court demanding replacement of a community work with a stricter punishment – imprisonment. With the involvement of GYLA lawyers from Telavi Office, the Telavi Municipality fulfilled its obligation and employed G.Kh. at the Telavi Municipality Cleaning Service. Consequently, the Parole Bureau made no repeated submission demanding the imprisonment.
- As a result of the legal assistance provided by GYLA's Rustavi Office, three convicts – V.S., M.M. and J.Zh. – were transferred from the Rustavi Penitentiary Institution No. 6 to the Medical Institution for Accused and Convicted Persons No. 18 for medical treatment.
- Lawyers from GYLA, Achara Office -provided legal assistance to citizen R.Sh and charged with thefts committed multiple times resulting in serious damages. GYLA lawyers requested a forensic expertise. R.Sh. was diagnosed with paranoid schizophrenia, as a result of which, claimant was released from the detention and transferred to the National Center of Psychic Health.

STRATEGIC LITIGATION IN THE EUROPEAN COURT OF HUMAN RIGHTS (ECTHR)

Violations of the right to property, the right to assembly and manifestation, right to freedom expression including right to receive and impart the information as well as the right to a fair trial had remained topical and problem-issues throughout the reporting period. The right to a fair trial is the most frequently violated right in Georgia nowadays.

During the reporting period, GYLA provided legal advice to 203 citizens on procedures to apply to the European Court of Human Rights (ECTHR) and violations of individual provisions of the European Convention of Human Rights (ECHR). GYLA lodged 14 applications before the ECTHR.



1. *DZEBNIAURI V. GEORGIA (APPLICATION NO. 67813/11)*

The case concerns violation of the right to life of Giorgi Dzebniauri who lost his life because of the medical error. The investigation on the death of the application was opened timely, however, there was no substantial investigation for years despite the written instructions by the superior prosecutor and numerous motions raised by the victim's family. A statutory term for prosecuting the crime was lapsed after six years of no judgment.

GYLA lodged an application before the ECTHR on alleged violations of Article 2 of the Convention (the right to life) and the obligation of effective investigation by the State authorities of the ECHR.

2. *DUMBADZE AND OTHERS V. GEORGIA (APPLICATION NO. 74113/11)*

The case concerns the use of excessive, unnecessary and disproportionate force by the law enforcement officials during the forceful break up of a peaceful protest rally on 26 May 2011 where rally participants, including applicants received bodily injuries of various types and severity.

Applicants alleged that they were submitted to inhuman and degrading treatment by the law enforcement officials. Applicants also maintained that their arrest and the subsequent administrative detention were unlawful, as they did not commit any administrative offence.

Applicants alleged violation of Articles 3 (the prohibition on torture and inhuman or degrading treatment or punishment), 5 (right to liberty and security of person), 6 (the right to fair trial), 10 (the freedom of expression) and 11 (the freedom of assembly and association.) of the ECHR.

3. *ZURASHVILI V. GEORGIA*

The case concerns forceful breakup of the protest rally by the police on 26 May 2011. At this time, the applicant Sh. Zurashvili was driving a car with one of the organizers of the rally, Nino Burjanadze who was a former Chairperson of the Parliament. The applicant drove away from the vicinities of the Parliament area, as the other participants of the rally were leaving the area.

At first, the prosecution was alleging that the Applicant killed V. Masurashvili in a car accident as he drove away from the area. Demanding that the applicant admit the charges and confess the guilt, law enforcement officials have severely beaten him both at the time of his arrest and later in the police department. The

charges against applicant were not confirmed, however, he was charged with resisting the police officer and intentionally inflicting bodily damage to a police officer.

The applicant asserted that the battery and assault committed against the applicant by the police amounted to violation of Article 3 of the ECHR. The applicant also submitted that charges brought against him lacked any substantiation, since his conduct could not have qualified as resistance against the police officer. The applicant maintained that the domestic courts have punished him twice for the same conduct thereby violating the non bis in idem principle embedded in Article 4 of Protocol 7 to the Convention. The Applicant stated that the domestic courts handled his case with gross violation of procedural guarantees stipulated in Article 6 of the Convention (presumption of innocence, impartial and independent investigation, equality of arms, right to a reasoned judgment) resulting in the unfairness of the whole process.

4. *GYLA V. GEORGIA (APPLICATION NO. 2703/12)*

The case concerns refusal by the Georgian Interior Ministry and later by the Domestic courts to release information on issue of a high public interest, in violation of the freedom of expression stipulated by Article 10 of the ECHR.

The GYLA addressed the Interior Ministry of Georgia with a request to release information about persons charged with disciplinary rule after breaking the law when forcefully dispersing peaceful rally in front of the Main Department of the Interior Ministry in Tbilisi on 15 June 2009. The Ministry made an official announcement alleging that nine law enforcement officials were prosecuted, however, the Ministry did not disclose names of those prosecuted individuals nor the crimes they were found guilty of.

In the present application applicant alleged that that the Georgian domestic courts violated the right to a fair trial by producing unreasoned judgments.

5. *THE BATUMELEBI NEWSPAPER AND DIASAMIDZE V. GEORGIA (APPLICATION NO. 49071/12)*

GYLA filed two new applications with the ECtHR on behalf of the Batumelebi Newspaper and a journalist E. Diasamidze. Both cases concern alleged violation of Article 10 of the ECHR (the freedom of expression).

The relevant state agencies and later the Georgian domestic courts refused to release information on issues of high public interest to the applicants. On this ground, the journalists were prevented from duly fulfilling their professional duties.

6. *MARTIASHVILI V. GEORGIA (APPLICATION NO. 25915/12)*

The case concerns a serious violation of the applicant's property rights due to the unlawful actions of the Ministry of Economy and the Ministry of Defense. The domestic courts did not seek to remedy infringed rights.

The applicant was an individual entrepreneur who used café shop in Village Vaziani on the lease agreement concluded with the Ministry of Economic Development since 2004. In 2008, however, the Ministry of Economic Development unilaterally repudiated the lease agreement without any legal basis. On 9 February 2009, the Minister's order repudiating the lease agreement was deemed unlawful and declared void by the court. To this date, the applicant was not allowed to enter the café shop to collect his inventory and goods, whilst entire property inside the shop was damaged. The applicant challenged the case to reinstate suffered damages, including lost profits in 2008 – 2009. The domestic courts upheld the lawsuit partially, whilst rejecting his claims on compensating the costs for the refurbishment and the inventory that he could take out from the premises. The court rejected his claim to compensate the fee paid towards the lease agreement after its factual termination, bank loan and penalty imposed by the bank for the delay of payment and non-pecuniary damages.

The applicant received the compensation for lost profits in 2008, however, he had no compensation for the incurred loss in 2009.

In the present application, the applicant alleged violation of Article 1 of Protocol 1 to the ECHR (the right to property) and Article 6 of the ECHR (the right to a fair trial).

7. KHUTSISHVILI V. GEORGIA (APPLICATION NO. 22742/12)

The case concerns to problems related to imprisonment. Practice showed that domestic courts often issue detention order without any proper reasoning. At the same time, it was nearly impossible to challenge detention order in the appeals court (in majority of cases, appeal complaints are found inadmissible based on the requirements of the Criminal Code of Georgia). Existing periodic judicial review was not effective.

According to the Criminal Procedure Code, new circumstances were necessary to review the decision on imprisonment. In practice, however, 'new circumstances' are those which had not been previously mentioned throughout the court proceedings.

These issues were described in detail in the application lodged before the ECtHR on behalf of Z. Khutsishvili. The applicant alleged the violation of paragraphs 3 and 4 of Article 5 of the European Convention (the right to liberty and security of person).

8. SHUBITIDZE V. GEORGIA (APPLICATION NO. 43854/12)

The case concerns conviction of the applicant for the purchase and storage of narcotic substances on alleged political grounds. The applicant was a member of the Democratic Movement – United Georgia opposition political party and of an unregistered association People's Representative Assembly. The applicant actively participated in anti-government protests in April 2009 and May 2011 in Tbilisi. The applicant alleged that law enforcement officials planted narcotics into his garments as he was searched by the police officers. The applicant alleged that he was convicted due to his political views.

Substantive and procedural violations in Shubitidze's criminal case were identical to the cases submitted against numerous other opposition activists. Participants of protest rallies were routinely charged with unlawful possession of firearms or drugs. In the present application, it is alleged that the state authorities violated right to of Article 6 (the right to a fair trial).

9. KHARADZE V. GEORGIA (APPLICATION NO. 19419/12)

The case concerns the violation of Article 8 of the ECHR (the right to respect for private and family life) by Rustavi 2 television program Patrol Police where the applicant was called as thief. The applicant later was cleared off the charges and the investigation established that he did not commit a crime.

The applicant was mentally disabled. Despite the violation of the right to life, the domestic courts did not order the defendants (the Georgian Interior Ministry and the "Rustavi 2" TV Company) to reject the false information. The domestic courts, therefore rejected the applicant's claim for the non-pecuniary damages.

10. BURDIASHVILI AND OTHER V. GEORGIA (APPLICATION NO. 26290/12)

The case concerns the payment of monetary compensation to the heirs of the the victims of the political repression Claus and Iuri Kiladzes, after the ECtHR decision and subsequent legislative amendments the legislation by the Parliament of Georgia in May 2011.

Tbilisi City Court awarded monetary compensation to the applicants. The actual amount of compensation was inadequate, a practice which is commonly accepted by the domestic courts. To this date, the ECtHR has no jurisprudence challenging insufficient amount of compensation and such claims have little success, however, GYLA decided to lodge an application on alleged violation of article 6 (the right to a fair trial) and Article 1 of Protocol 1 (the right to property) of the ECHR. The applicants alleged that the amount of compensation awarded by the domestic courts resulted into major discontent of the politically repressed individuals.

The applicants also asserted that the compensation awarded to them personally and the practice of domestic courts on deciding on amount of compensation in general cannot be regarded as effective implementation of the ECtHR judgment.

The applicants further alleged that such practice constituted a new and different type of violation of rights stipulated by the ECHR. The application emphasized that contrary to the domestic legislation, the Georgian

domestic courts are not evaluating against applicants' individual circumstances but produce judgment based on a standard template and order identical compensation in every case.

11. GAMSAKHURDIA V. GEORGIA

The case concerns the conviction of Tsothe Gamsakhurdia for bribing a prison guard with intent to provoke a crime. The applicant alleged that he was provoked by the prison staff, however, domestic courts did not take notice of his view point.

The applicant filed the application before the ECtHR on alleged violation of Article 6 of the ECHR.

12. KOKOLADZE V. GEORGIA

The case concerns the criminal conviction of Anzor Kokoladze, Director of the joint-stock company Elit Electronics convicted for instigating fraud and falsifying official documents. It was alleged that the applicant artificially increased the value of the acquired property and transferred it to the charter capital of its daughter company (Elit Testile Ltd). These shares were later transferred back to the joint-stock company Elit Electronics where the applicant owned 100% of shares.

Materials of the case file show that charges against A. Kokoladze lack clear reasoning.

The application filed to the European Court alleged violation of Article 6 (the right to a fair trial) and Article 1 of Protocol 1 (the right to property) of the ECHR.

CASES RELATED TO THE AUGUST 2008 CONFLICT

During the reporting period, GYLA continued working on cases affected by the August 2008 Russian Georgian armed conflict together with the Russian Justice Initiative (RJI) and the European Human Rights Advocacy Center (EHRAC). Through EHRAC's direct involvement, GYLA established communication with the Russian prosecution offices with a view to exhaust domestic remedies.

In this period, protection of human rights remained a problem throughout the territories adjacent to the so-called Georgia – South Ossetia administrative border, both in the western and the eastern parts of Georgia.

In the framework of GYLA and RJI joint project one more application has been sent to the ECtHR on alleged violations of human rights in the territory adjacent to the administrative border.

LOMSADZE AND OTHERS V. RUSSIA (APPLICATION NO. 77190/11)

The case concerns the arrest of four ethnic Georgians by Ossetian and Russian military in Sachkhere District in May 2011. At the time of arrest, the Ossetian and Russian servicemen used firearms against the applicant, which resulted in severely wounding the applicant, whilst others received relatively milder bodily injuries.

In their application to the ECtHR, the applicants alleged violation of Article 2 (the right to life), Article 3 (prohibition of torture and inhuman treatment), Article 5 (the right to security of person), Article 6 (the right to a fair trial), Article 8 (the right to respect for private and family life), Article 13 (the right to an effective remedy) and Article 14 (prohibition of discrimination) of the ECHR.

A SUCCESSFUL CASE

On 2 October 2012, the European Court made a judgment on Kakabadze and Others v. Georgia (Application No. 1484/07) initiated by GYLA and EHRAC.

The ECtHR found that there was a violation of Article 5 (the right to liberty and security of person), Article 6 (the right to a fair trial), Article 11 (the right to assembly and manifestation) and Article 2 of Protocol No. 7 (the right of appeal in criminal matters) of the Convention. The applicants alleged unlawful arrest and violation of the right to assembly. The Appeals Court of Tbilisi sentenced five applicants to thirty-day administrative arrest without comprehensive examination of the facts. The ECtHR found the punishment excessive.

In its judgment, the ECtHR ordered the Government of Georgia to pay each applicant 6,000 Euros for non-pecuniary damage and 5,957 Euros to the applicants jointly in respect of costs and expenses incurred for legal services.

The applicants were arrested on 29 June 2006 during a protest in the front yard of the Appeals Court of Tbilisi. The applicants protested against the arrest of journalists Shalva Ramishvili and Davit Kokhraidze and called for the Tbilisi Appeals Court not to make a biased judgment. Based on the individual order of the Chairperson of the Tbilisi Appeals Court, the applicants were sentenced to thirty-day administrative arrest for the contempt of court.

STRATEGIC LITIGATION IN THE CONSTITUTIONAL COURT OF GEORGIA

Throughout the reporting period, GYLA lodged eight complaints before the Constitutional Court of Georgia, out of which one was upheld, two complaints were found inadmissible whilst two complaints are currently pending before the court. These cases concern the secret surveillance of internet correspondence without a judicial order and the right of law enforcement officials on stop and search. The Constitutional Court agreed with an *amicus curiae* (third party intervention) submitted by GYLA on two different occasions.



1. BENIAMIN DZNELADZE V. THE GOVERNMENT OF GEORGIA

GYLA challenged some of the provisions on the 'Rules on compensating bodily injuries sustained in time of performance of working duties' approved by the Resolution of the Government of Georgia No 53 before the Constitutional Court. The complaint was filed on behalf of Mr. Benjamin Dzneladze (the plaintiff), former employee of the Kutaisi Machinery Plant.

GYLA alleged that the Resolution No. 53 contradicted with paragraphs 1 and 2 of Article 21, Article 39 and Article 42(9) of the Georgian Constitution. Instead of reducing the amount of monetary compensation to a reasonable sum necessary to save budget funds, disputed normative act completely abolished the obligation to pay a monthly allowance to an injured worker. In addition, the Government was not entitled to completely reject the right of monthly compensation- that is based on a legal expectation emanating from court judgment or administrative act. The legal expectation to receive social assistance from the state is part of the legal security or legal certainty and is essential for strengthening the rule of law as provided by the preamble of the Georgian Constitution.

2. MARIANA KIKU V. THE PARLIAMENT OF GEORGIA

On 20 April 2012, GYLA addressed the Constitutional Court of Georgia on behalf of Mariana Kiku, a citizen of Moldova to challenge the provisions banning foreign citizens to be responsible for organizing protests.

By the amendments to the Law of Georgia on Assembly and Manifestation on 1 July 2011, the Parliament had partially restored a provision previously declared unconstitutional by the Court and banned foreign citizens from organizing assemblies and manifestations. Court at its decision made no difference between stateless persons and foreign citizens, moreover, the basis for declaring these provisions void was a blanket ban on foreign nationals to organize protests.

The amendments effected by the Parliament in July 2011 currently puts blanket ban on the right to organize rallies by foreigners and strips off their possibility to effectively voice their concerns to Government, which might be of little interest for Georgian citizens or stateless persons.

3. TAMAR JAVAKHADZE V. THE GEORGIAN MINISTER OF LABOR, HEALTH AND SOCIAL PROTECTION

Throughout the reporting period, GYLA filed a constitutional complaint on behalf of Tamr Javakhadze, citizen of Georgia and Russia. According to the order of the Ministry of Minister of Labor, Health and Social Protection of Georgia a person with dual citizenship who receives pension from state of his/her citizenship other than Georgia, does not have the right to receive a pension from the Georgian authorities.

GYLA alleged that this provision contradicted with the right to equality enshrined in Article 14 of the Constitution since the court based on the disputed act annulled her entitlements to pension based on her citizenship. This would hold true, if the claimant were entitled to pension in another state. However, the claimant who was a citizen of Georgia who previously worked and paid taxes for years in Georgia with the intent to receive a pension after reaching the pension age set by the Georgian legislation.

4. VLADIMER SANIKIDZE AND MAIA KHUTSISHVILI V. THE PARLIAMENT OF GEORGIA

On 29 May 2012, GYLA filed a complaint before the Constitutional Court of Georgia challenging removing a defense counsel from the courtroom for the contempt of court. The defense council was also banned to lead trials in the same instance court and was ordered to pay fine from 50 to 5,000 Lari.

GYLA alleged that disputed provisions contradicted with paragraphs 1 (the right to a fair trial) and 3 (the right to defense) of Article 42 of the Constitution since the plaintiff was not warned before being removed and fined by the Court. It was then followed that defense counsels are not given adequate time to rectify their actions, whilst the disputed provisions ban the defense counsel to challenge allegations after found guilty in contempt of court. A court order expelling or fining a defense counsel may not be appealed in higher instance, which aggravates chance for judicial error.

5. MAIA ASAKASHVILI, D.KH. AND I.K. V. THE PARLIAMENT OF GEORGIA

In previous Annual Report of 2011, GYLA reported about a constitutional complaint filed by Maia Asakashvili, a guardian appointed to a legally incapable person. The plaintiff challenged provisions governing the status of a person deprived of a legal capacity. In the reporting period, GYLA filed similar complaints on behalf of mentally disabled persons, deprived of legal capacity. For the purpose of confidentiality, names of the plaintiffs were not disclosed.

After filing two additional complaints, the Constitutional Court did not consider Maia Asakashvili's on the merits in 2011. In its decision, the Constitutional Court stated that a guardian (the plaintiff) was not authorized to submit a complaint on behalf of person deprived of legal capacity. The legislation governing constitutional litigation does not make any difference between individuals with legal capacity or those deprived of it. Unlike the Civil Procedure Code that prescribes limitations to person with no legal capacity, laws regulating constitutional proceedings do not have such limitations.

GYLA welcomes the decision of the Constitutional Court of Georgia. Considering the fact that the legislation governing constitutional proceedings were silent about legally incapable persons, the Constitutional Court, nevertheless authorized these individuals to address the Court directly without guardian's intervention.

6. TRISTAN MAMAGULASHVILI AND PIRUZ VANIEV V. THE PARLIAMENT OF GEORGIA

On 3 July 2012, GYLA filed a complaint before the Constitutional Court on behalf of Piruz Vaniev and Tristan Mamagulashvili. Through amendments effected on 27 December 2011, the Law of Georgia on IDPs applies only to individuals displaced from the occupied territories.

Pursuant to the Law of Georgia on Occupied Territories, 'occupied territories'- are territories of the Autonomous Republic of Abkhazia and the former South Ossetia Autonomous Region. Consequently, territories that never formed part of Abkhazia, or former South Ossetian Autonomous Region but where Georgia cannot exercise effective control – are not considered as 'occupied territories'.

One applicant lived in Village Khurvaleti of the Gori Municipality, the other in Village Dvani of the Kareli Municipality. These villages have never fallen within the de facto borders of the South Ossetian Autonomous Region. It is also maintained that applicants, IDPs not from the occupied territories are not eligible to IDP status contrary to the equality principle guaranteed by Article 14 of the Georgian Constitution.

7. O.D., D.D., S.ZH., L.B. AND M.B. VERSUS THE PARLIAMENT OF GEORGIA

O.D., D.D. and S.Zh. are citizens of the Russian Federation; L.B. and M.B. are citizens of the Republic of Armenia. All applicants live in Akhalkalaki and study in the Georgian public school. GYLA lodged a complaint before the Constitutional Court challenging provisions of the Law of Georgia on General Education on behalf of the applicants, which imposed payments to receive a standard voucher for general education.

GYLA alleged that imposition of an overhead fee on foreign citizens to receive secondary education contradicted to Article 14 of the Georgian Constitution since the law does not impose the same fee for citizens of Georgia. In addition, the disputed provision is inconsistent with paragraphs 1 and 3 of Article 35 of the Constitution. Paragraph 1 of Article 35 provides for right to education for everyone and not only for Georgian citizens. Pursuant to paragraph 3 of the same article, elementary and basic education is compulsory whilst, general education shall be financed by the state authorities according to rules established by law.

8. INSTITUTE FOR THE RESEARCH OF GEORGIA'S DEVELOPMENT V. THE PARLIAMENT OF GEORGIA

GYLA filed a lawsuit with the Constitutional Court on behalf of the Georgian Institute for Research Development. The plaintiff challenged the constitutionality of some of the provisions of the Criminal Procedure Code. Pursuant to the challenged provisions, a person who's property was attached by a court have no right to appeal against the order unless he/she is a party to the proceedings. According to the Criminal Procedure Code, parties to the proceedings are a defendant, a convicted person, an acquitted person, their defense counsels, an investigator and a prosecutor. The list, however, does not include a person with no such status. On basis of the impugned norm, a legal entity, represented by GYLA before the Constitutional Court could not challenge the court order on the attachment of the property.

GYLA alleged that that the impugned norm contradicted with paragraph 1 of Article 41 (the right to receive information), paragraph 1 of Article 42 (the right to address a court) and paragraphs 1 and 2 of Article 21 (the right to property) of the Georgian Constitution.

SUCCESSFUL CASES

TAMAR KHIDASHELI AND GYLA V. THE PARLIAMENT OF GEORGIA

On 28 February 2012, the Constitutional Court of Georgia upheld the complaint by GYLA and citizen Tamar Khidasheli against the Parliament of Georgia. GYLA filed the lawsuit with the Court in October 2008 contesting constitutionality of Article 8(2) of the Law of Georgia on Criminal Intelligence and Investigative Activities. According to the challenged provision, law enforcement authorities were entitled to prolong criminal intelligence and investigative activities for six more months without any immediate necessity or a court warrant. This provision was contrary to Article 20(1) of the Constitution (non-interference with private life). The Court fully agreed with GYLA's claims and declared impugned norm unconstitutional.

AMICUS CURIAE

1. LAW ON MILITARY RESERVE SERVICE

On 21 December 2011, the Constitutional Court upheld a constitutional complaint in the case of *The Public Defender of Georgia v. the Parliament of Georgia* where GYLA submitted amicus curiae. In its submission, GYLA challenged constitutionality of the provisions, which fail to provide for alternative service in case of conscientious objection for military services contrary to Article 19 (freedom of religion) of the Constitution.

In its written opinion, GYLA submitted that during the military conscription, similar to compulsory military service, serviceman should enjoy the right to have conscientious objection. Based on the international practice, a conscientious objector can still defend the homeland through community service while adhering to his/her religious and non-religious beliefs.

2. LAW ON BROADCASTING

On 11 April 2012, the Constitutional Court made a decision in the case of *The public Defender of Georgia v. the Parliament of Georgia* where the Court found the obligation to seek the permission on TV cable transmission contrary to Article 24 of the Constitution (the freedom of expression) but authorized licensing of satellite broadcasting.

In its third party intervention GYLA maintained that unlike air broadcasting, cable and satellite broadcasting did not require a frequency i.e. use of a naturally exhaustible resource. It further submitted that an obligation for cable and satellite broadcasters to seek permission for broadcasting license from the National Communications Regulatory Commission was not justified. However, the National Communications Commission should save a right to check lawfulness of the activities of such broadcasters. The Court shared the views presented by Public Defenders office and GYLA in relation to public broadcaster.

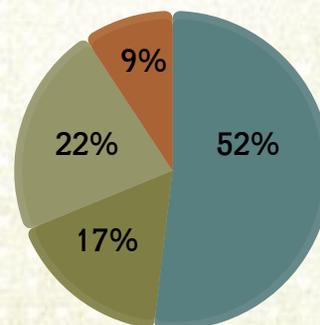
STRATEGIC LITIGATION ON FREEDOM OF INFORMATION

Throughout the reporting period, GYLA continued to pursue strategic litigation on the violations related to freedom of information. It was alleged that as part of a common practice, administrative bodies frequently released incomplete information as well as determined the way and the form for delivering the requested information. Obtaining information on residential and governmental reserve spending on large-scale infrastructural projects has been problematic. At the same time, judicial decisions by domestic courts on alleged violation of freedom of information lacked proper reasoning.

STATISTICS ON ACCESS TO PUBLIC INFORMATION

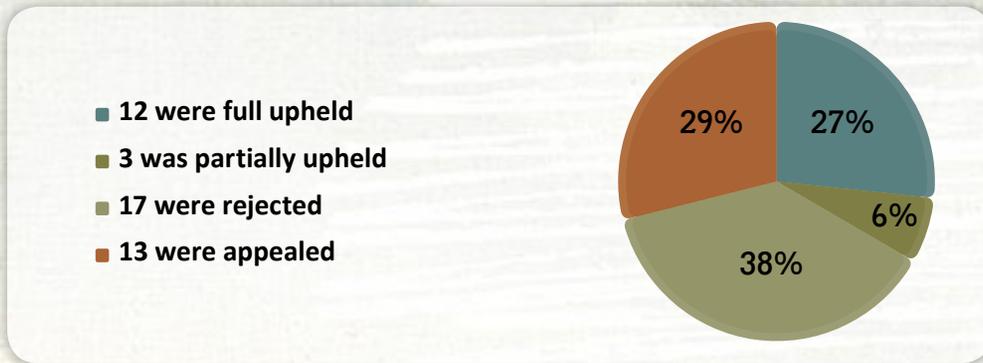
During the reporting period, GYLA, in total filed 428 requests for public information out of which:

- 245 were fully upheld
- 80 were partially upheld
- 103 were rejected
- 44 were appealed



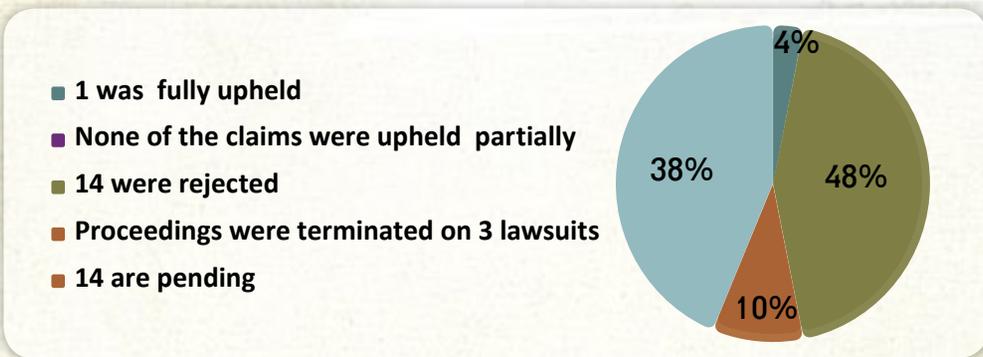
STATISTICS ON ADMINISTRATIVE COMPLAINTS

During the reporting period, GYLA lodged a total of 32 administrative complaints with various public institutions, challenging refusal to release public information, out of which:



LAWSUITS

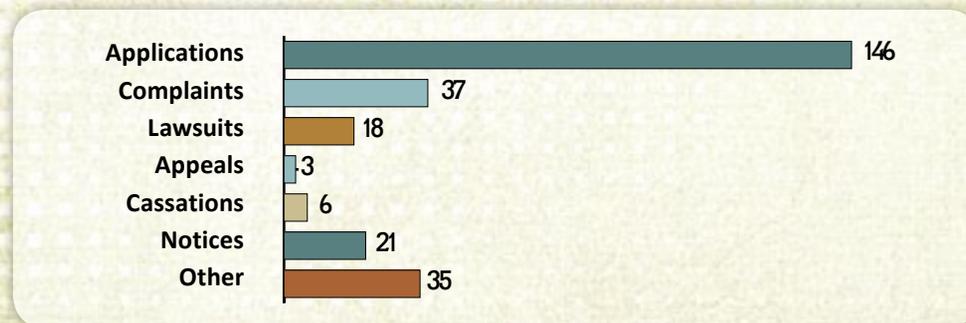
GYLA lodged a total of 32 lawsuits against various public institutions challenging barriers to obtain public information, out of which:



STRATEGIC LITIGATION WITHIN THE GEORGIAN MEDIA LEGAL DEFENSE CENTER

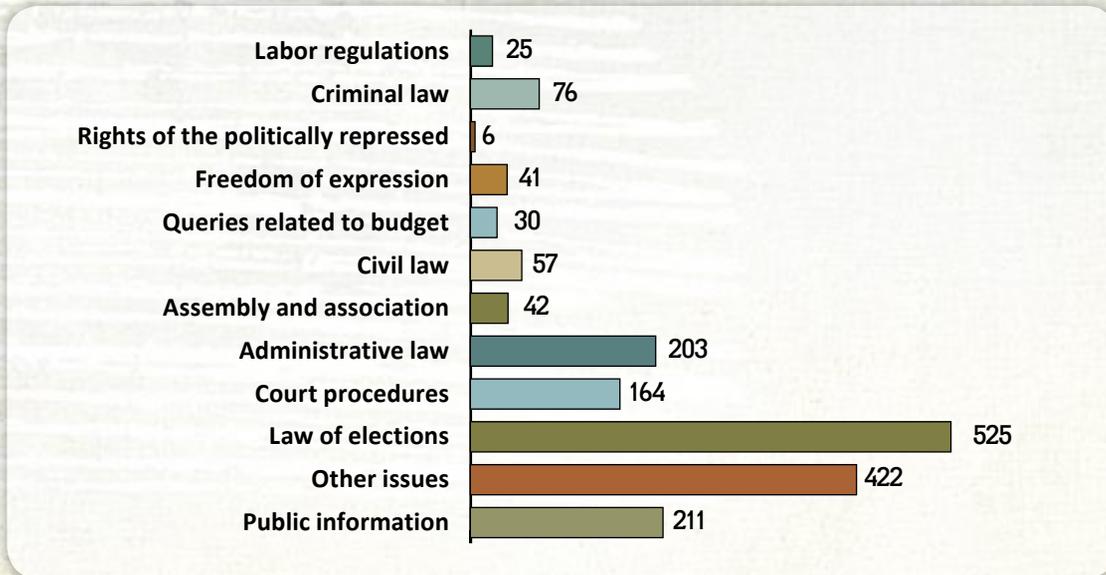
Throughout the Reporting Period, protection of journalists’ professional rights was one of the important priorities for GYLA. Lawyers from the Media Legal Defense Center (GMLDC) provided legal advice and assistance to media representatives throughout Georgia.

A total 266 legal documents have been drafted in the reporting period. A breakdown of these documents is shown below:



As regards legal advice, the GMLDC issued 1,982 pieces of legal advice.

In the reporting period, GYLA received a significantly high number of queries on matters of election and criminal laws. However, the statistics on provided consultations varies by topics:



During the reporting period, GMLDC provided legal services in 41 cases, of which 12 was successful, 22 cases are pending before various courts, whilst seven cases were rejected.

Noteworthy to mention that throughout the reporting period, the violations of the rights of journalists have increased significantly. Many of the violations contained elements of criminal conduct.

GYLA made 28 statements on events in the media, ten out of which concerned actual crimes. Investigation was completed only in two of these cases.

For illustration purposes, some of the abovementioned cases are described below:

1. CASE CONCERNING JOURNALISTS HARMED AS A RESULT OF THE BREAK UP OF A PROTEST RALLY ON 26 MAY 2011

Since May 2011, GMLDC has provided a legal assistance to journalists deprived of their belonging after forceful breakup of a protest rally on 26 May. Three lawyers from the Center initiated a complaint on behalf of three journalists and four media outlets against the Ministry of Interior of Georgia with a demand to compensate for damages. The Ministry had partly acknowledged its guilt whilst on 26 December 2011 the Tbilisi City Court partly upheld the plaintiff's lawsuit and ordered the defendant to pay the damages. The court judgment was enforced in October 2012 through the National Enforcement Bureau.

Journalists in question lodged an independent complaint with the Administrative Panel of the Tbilisi City Court with a demand to obtain the order of the Interior Minister of Georgia to sanction the perpetrators. According to the official information released by the Ministry of Interior-some of these personnel exceeded their official powers and were subsequently imprisoned. The Ministry refused to release order publically. The case is pending before the Court.

2. MEDIA ORGANIZATIONS VERSUS THE STATE AUDIT OFFICE

The GYLA negatively assessed the Order of the Auditor-General of the State Audit Office dated 6 August 2012, which resulted in media organizations carrying double responsibilities including the responsibility to report

on payments from the political advertisements within 24 hours after their broadcasting. GYLA urged media organizations and election candidates to demand annulment of the present order through judicial intervention. Eventually, the GMLDC lodged a complaint on behalf of the seven media organizations before the Tbilisi City Court.

3. A RESOLUTION OF THE CENTRAL ELECTION COMMISSION

On 23 September 2012, the Central Election Commission (CEC) published a draft resolution '*On the broadcasting of some of the election-related issues*'. The draft envisaged limitation of the rights of observers and media representatives on the election day. The CEC submitted that videotaping could significantly reduce the number of voters wishing to come to polling stations as well as could cause unnecessary noise. The Civil society organizations and medial organizations have severely condemned the draft, whilst GYLA expressed its criticism towards the draft during the discussion Among the civil society organisations at the CEC. The CEC nevertheless, adopted a resolution thus ignoring the protest of media and non-governmental organizations (NGO).

On 25 September 2012, the GALA, the International Society for Free Elections, and the Media Club lodged a complaint before the Tbilisi City Court. The plaintiff challenged the CEC resolution and demanded its annulment. After its rejection, GYLA appealed a decision before the Appeals court, but the decision of the first instance court remained unchanged.

4. ATTACHMENT OF SATELLITE ANTENNAS

In June 2012, the Georgian Prosecution Office started investigation into allegations of voter buying. The prosecution office submitted a motion to attach satellite antennas and digital receivers of two media organizations *Global Contact Consulting Ltd* and *Studio Maestro Ltd* before the Tbilisi City Court.

Actions of the court, prosecution office as well as arguments submitted by the authorities provoked sever criticism by the civil society, calling to rectify the situation. Nevertheless, GYLA made several public announcements on these issues and produced a critical legal assessment on the unlawful attachment of the satellite antennas belonging to *Studio Maestro Ltd*.

These zealous efforts of the public and the media yielded some positive results. Some of the officials expressed their readiness to change the political will to enable *Studio Maestro* distribute its own satellite antennas through the *Georgian Post*. After the elections, on 2 October 2012, the court, upheld the motion and removed the attachments from the satellite antennas.



LEGAL ASSISTANCE TO IDPS

GYLA provided legal assistance to IDPs throughout the reporting period. Other than individual and group consultations, GYLA assisted IDPs in drafting legal documents and ensured their representation before the courts.

A breakdown of legal actions and assistance implemented in favor of IDPs is shown below:

- Pieces of individual legal advice – 2,689
- Legal documents drafted – 298
- New cases – 17
- On-site (mobile) visits paid – 114

October 2012 was marked with IDPs squatting various vacant premises. Working Groups composed of representatives of the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia, international and local NGOs and the representatives from the Office of the Public Defender was created to identify these families and reveal their needs. GYLA as a member of one of the working group monitored ten premises occupied by IDPs.

GYLA'S NOMINATION TO BECOME A MEMBER OF THE SUPERVISORY COUNCIL

As GYLA has been constantly engaged with IDP issues, it was nominated as a member of the Supervisory Council for the Implementation of the *State Strategy for Internally Displaced Persons* – a body created by the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia Since June 2012. GYLA represents civil society sector and enjoys a right to deliberative vote.

LEGAL ASSISTANCE TO PRISONERS

GYLA, together with the Public Defender's office of Georgia continued to work towards protecting the rights of prisoners and strengthening the National Preventive Mechanism (NPM). In the framework of the project, GYLA's representatives participated at the monitoring of penitentiary institutions and temporary detention facilities in the eastern Georgia and explored the situation related to prisoner's rights. Two monitoring exercises focused on ill-treatment in prisons. Results of both monitoring activities are described in a joint report published by GYLA and the Public Defender's office of Georgia on '*Ill-treatment in Penitentiary Institutions and Temporary Detention Facilities*'.

Throughout the reporting period, GYLA carried another monitoring of penitentiary institutions and temporary detention, focusing on ill-treatment of prisoners as well as on medical assistance for prisoners. Monitoring results will be published in a later report.

Similar to previous year, GYLA offices in Tbilisi and other regions received a vast amount of queries from prisoners and their family members. Accordingly, GYLA provided legal consultations over the phone and in person. Its lawyers visited prisoners, ensured their legal representation before various bodies and drafted legal documents on behalf of the prisoners and their families.

Throughout the reporting period, GYLA offices in Tbilisi and regions issued a 4,102 pieces of legal advice in person, over the phone and through visits to penitentiary institutions. In total, GYLA drafted 703 different legal documents for the prisoners including applications, cassation complaints, etc. whilst 96 prisoners received responses on their queries.

Through GYLA, 49 convicts addressed the Commission with the request of early release from prison due to the poor health conditions. However, to date, the Commission has not yet decided on these cases. The Penitentiary Department addressed the court to postpone the sentence in nine cases, which was subsequently upheld by the court. In seven cases the convicts demanded the court to postpone their sentences, however, their claims were rejected.

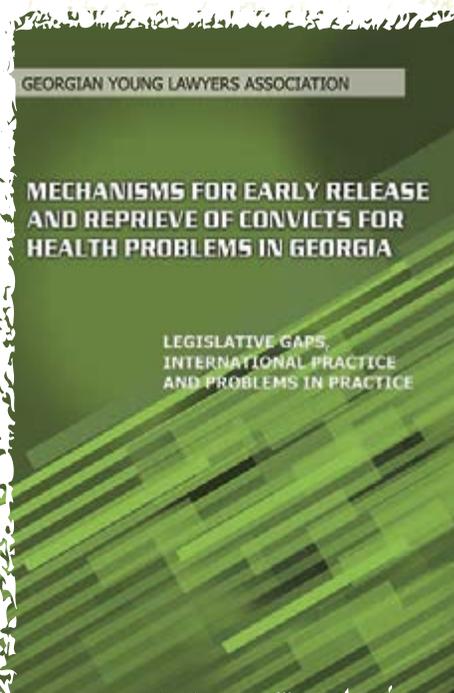
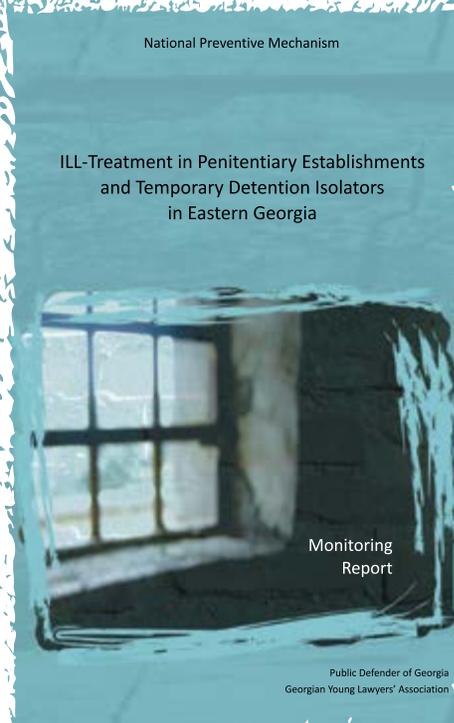
GYLA revealed 24 cases of ill-treatment in the penitentiary institutions. GYLA represented convicts throughout the investigation stage.

After analyzing the findings of the prison monitoring and the legal consultations to prisoners-GYLA established that quality of medical assistance for prisoners is a matter of concern including inadequate mechanism for early release or postponing the sentence due to prisoner's medical condition. GYLA produced a research paper '*Mechanisms for releasing or postponing the sentence in Georgia*' to analyze relevant regulatory framework and existing issues within the mechanism. The paper also describes difficulties featured during the work between the committee and the court based on concrete examples as well as reviews relevant ECtHR jurisprudence.

GYLA'S ACTIVITIES AGAINST TORTURE AND ILL-TREATMENT OF PRISONERS

After the leaked video footages on torture and ill-treatment of prisoners in 2012, GYLA made several interventions on number of directions, including organizing press conference together with the other civil society organizations to carry out effective investigation into allegations of torture and ill-treatment and bring those responsible to justice.

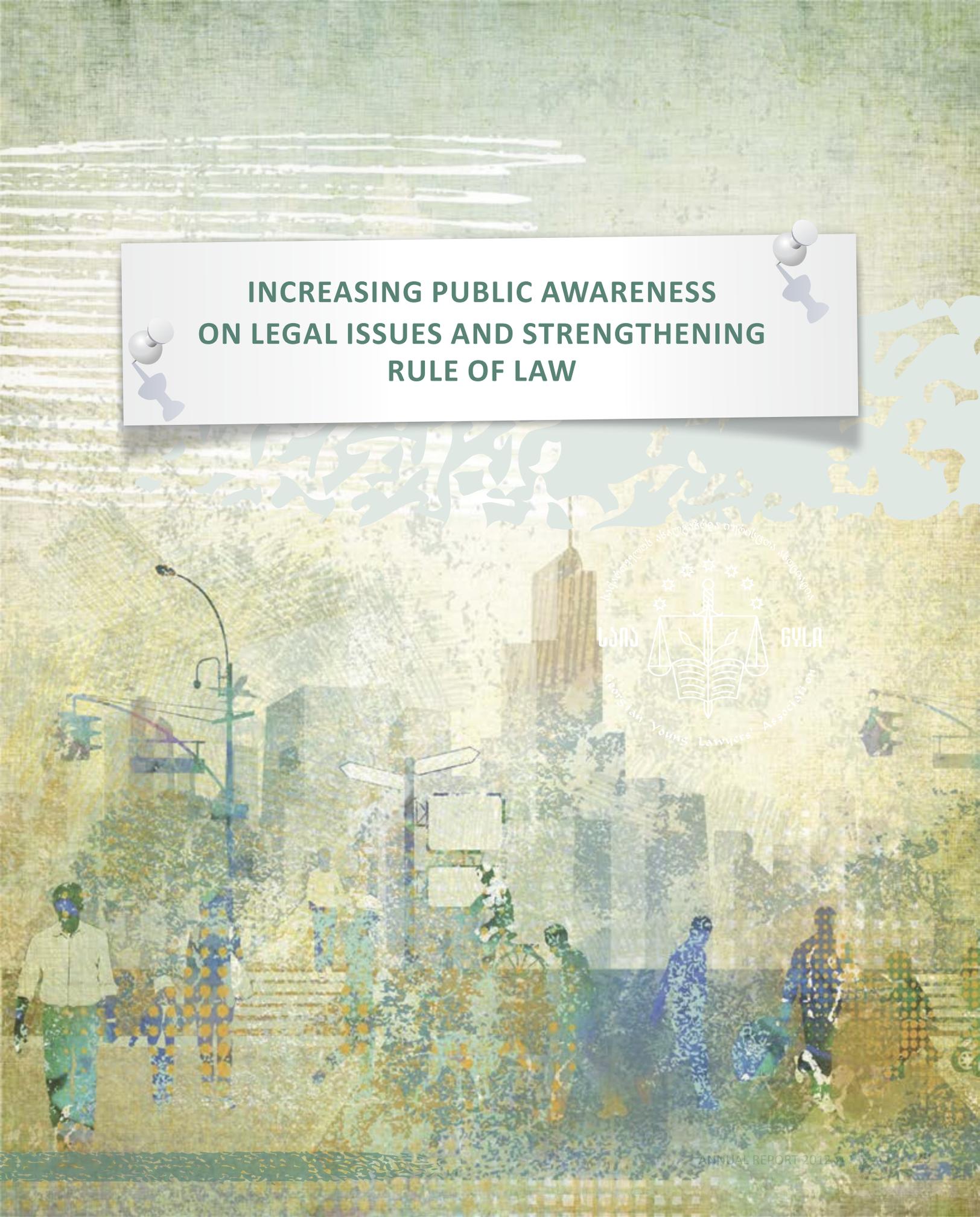
GYLA, in cooperation with its partner organizations addressed special statement to number of officials and bodies including the Secretary-General of the Council of Europe, the Human Rights Commissioner of the Council of Europe, the European Committee for the Prevention of Torture, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the UN sub-committee on Prevention of Torture and Inhuman or Degrading Treatment of Punishment.



GYLA representatives as part of the national preventive mechanism took part in two day monitoring session of Gldani prison No. 8, where GYLA lawyers provided legal consultations to more than 40 prisoners and sent out 245 queries before the Main Prosecution Office with a demand to start the investigations on allegations of torture and other inhuman treatments against the prisoners. GYLA sent the list of complaints to the Main Prosecution Office for the second time with a request to initiate the investigation onto alleged facts of torture and ill treatment. To this writing, no investigation has been conducted.

As a follow up to these events, GYLA prepared a video clip echoing public demands to investigate and prosecute public officials implicated in torture. The video clip has been broadcasted on several times during a month.





INCREASING PUBLIC AWARENESS ON LEGAL ISSUES AND STRENGTHENING RULE OF LAW



INCREASING PUBLIC AWARENESS ON LEGAL ISSUES AND STRENGTHENING RULE OF LAW

Besides protecting human rights, GYLA's objective is to equip citizens with skills and enhance their knowledge on their legal rights. To this end, GYLA's objective is to increase public awareness on legal issues and strengthen the respect to rule of law in the society.

SEMINARS, MEETINGS IN THE REGIONS, VISITING TOURS FOR LEGAL CONSULTATIONS

As part of the campaign to increase public awareness on legal issues, GYLA organized trainings and seminars for public officials, lawyers, NGOs, media organizations, and representative of political parties. It also included various meetings with citizens.

Statistics on seminars and meetings held in the regions are shown below:

Regional offices	Kutaisi	Achara	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Seminars, round tables, meetings	285	114	141	9	19	20	11	599
Number of participants	3965	4243	2115	200	378	310	249	11460

Seminars and round tables served to discuss almost all important amendments in the legislation adopted by Georgia's highest legislative bodies during the reporting period.

Topics of public interests discussed are shown below:

- Amendments to the Organic Law of Georgia on the Political Association of Citizens;
- Amendment to the Constitution of Georgia on the number of members of the Parliament;
- Amendments to the Civil Procedure Code;
- Amendments to the Election Code;
- State Insurance Program;
- Problems related to administrative detention;
- Criminal responsibility for unlawful interference in the professional duties of Journalists;
- Protection of IPD rights and state programs;
- Budget of local self-government bodies;
- Rules for registration in the Unified Database of Socially Unprotected Families;
- Imprisonment and pre-trial hearings;

- Issues related to freedom of information in Georgia;
- Jury trials;
- Social guarantees to disabled individuals;
- Minority rights and their integration;
- Children's Rights;
- Freedom of expression;
- Rights and obligations of bailiffs at the educational institutions;
- Labor law and labor relations;
- Rules on state pension;
- Legislative amendments on parental status.

TV AND RADIO PROGRAMS

Together with the local broadcasters, GYLA achieved highest level of communication with the local residents in the regions.

Radio Hereti – topics discussed:

- Funding of political parties
- Monitoring of pre-election campaigning in the 2011 interim election of the Parliament of Georgia in Telavi
- Assessment of the 2011 interim election of the Parliament of Georgia in Telavi
- Labor disputes

Radio Trialeti – topics discussed:

- Improvement of the election environment
- Legislative amendments to rules on funding political parties
- Politically motivated dismissal of a school teacher
- Amendments to the Law of Georgia on IDPs
- Problems related to the freedom of information in Georgia
- IDPs with no status

Radio Old Town – topics discussed:

- Local and central budgets
- State social and health programs
- Active citizenship
- Overview of the Organic Law of Georgia on Political Associations of Citizens and the Election Code
- Rights of disabled individuals
- Rights of ethnic minorities residing in Kutaisi and their reality

Radio Voice of America – topics discussed:

- Legal condition of IDPs without status
- Corruption in the healthcare system

Radio Liberty – topics discussed:

- Situation in villages adjacent to the conflict zones
- Legality of the penalty of political coalition ‘*Georgian Dream*’ contributors by the Chamber of Control
- Assessment of the 2011 interim election of the Parliament of Georgia in Telavi
- Domestic violence
- Gender equality

TV company TV25 – topics discussed:

- Criminal responsibility for voter buying
- Legality of depriving Georgian citizenship to Bidzina Ivanishvili
- Citizens’ involvement in the decision-making process
- Legal status of foreigners in Georgia
- Issues related to the civil sector development
- Amendments to the Civil Procedure Code

TV companies Gurjaani, Gorda and Satellite – topics discussed:

- Amendment to the Constitution of Georgia on increasing the number of Members of Parliament
- Funding of political parties
- Amendments to the election legislation
- Administrative detention
- Assessment of the 2011 interim election of the Parliament of Georgia in Telavi
- Types of administrative offences and punishments
- Childcare State programs
- Public trust in the judiciary
- Jury trials
- Citizens’ involvement in the local decision-making process
- Privatization of apartments owned by State agencies

TV company Rioni – topics discussed:

- Labour Right of Employees
- Rights of disabled individuals
- Problems with ethnic minorities
- Raising awareness on the issues of Tskaltubo and Bagdati municipalities
- Obligations on child support
- Recommendations on the improvement of the election environment

TV company Imedi, talk show 100 degrees Celsius – topics discussed:

- Problems of so-called ‘street children’
- Domestic violence

TV company Maestro – topics discussed:

- Amendments to the election legislation
- Childcare State programs
- Legal conditions of the IDPs without status
- Amendments to the rules on political party funding
- Problems of IDPs
- Problems faced by the village residents adjacent to the conflict zones

Marneuli Community Television, legal advice live – topics discussed:

- Civil status registration
- Inheritance
- Contractual relations
- Family law
- Cooperatives
- Immovable property pleaded as collateral

INFORMATIVE BROCHURES

In the course of visits to Georgian regions, GYLA distributed informative brochures to the local residents on range of interesting topics, such as:

- What we should know before addressing a court with a lawsuit
- Medical insurance for children aged 0 to 5 (inclusive) and disabled children
- How shall legal entities establish the legal entitlements on the land
- Rights of a victim in a criminal case

VISITING TOURS FOR LEGAL CONSULTATION

During the reporting period, GYLA’s lawyers organized number of meetings with a view to provide legal consultations and inform Georgian residents on important legislative amendments.

In October 2011, GYLA’s Gori Office organized tour to the following villages of the Akhaltsikhe, Adigeni and Aspindza municipalities such as Chacharaki, Klde, Tsnisi, Giorgitsminda, Fersa, Mugareti, Zikile, Agara, Atskuri, Khertvisi, Fia, Tmogvi, Nakalakevi, Vardzia, Mirashkhani, Atskvita, Damala, Rustavi, Idumala, Aspindza, Nijgori, Khizabavra, Saro, Toki, Toloshi, Ude, Sholaveri, Bolajuri, Mlashe, Benara, and Kvemo Enteri.

Residents of these villages were interested in statutory benefits available for high mountainous regions, payment of compensation to victims of political repressions, rights and obligations of school bailiffs, establishing the legal entitlements on land, adoption of dual citizenship, teachers’ certification, granting a state pension in case of the

death of a breadwinner, social assistance, registration of immovable property, domestic violence, state health insurance programs, subsistence allowance, registration of civil acts, self-government bodies at schools, functions of trustees' councils at schools, competences of the local self-government bodies, local budgeting, learning of the state language by the national minorities, inheritance, pardons and amnesties, tax benefits and other legal issues. During these meetings, GYLA distributed leaflets to the population. In total GYLA provided 592 pieces of legal advice.

In February 2012, GYLA's Gori Office also visited villages of the Gori, Khashuri, Kareli and Kaspi municipalities including Tiniskhidi, Ortasheni, Tedotsminda, Akhaldaba, Arashenda, Shindisi, Variani, Sakasheti, Pkhvenisi, Kelkceuli, Megvrekisi, Lower Nikozi, Upper Nikozi, Lower Khviti, Upper Khviti, Skra, Akhalkhiza, Uplistsikhe, Ateni, Khidistavi, Kvakhvrel, Banvisi, Koshkebi, Didi Gorijvari, Agara, Kvenatkoca, Berzenauli, Lower Sakasheti, Abisi, Satsikuri, Abistavi, Bredza, Abano, Atoci, Plevi, Osiauri, Vaka, Gomi, Nabakhtevi, Brili, Ali, Bekmi, Sative, Igoeti, Samtavisi, Gomi, Akhaltsikhe, Doesi, Khovle, Grakali, Teliani, Metekhi, Zeldi Khandaki, Kitsnisi, Marana, Shertuli, Tkviavi, Plavismani, Shertuli, Brotsleti, Tergvisi, Karbi, Tirdznisi, Ruisi, Urbnisi, Dvani, Takhtisdziri, Dirbi, Breti, Tsveri, Bebnisi, Sagolasheni, Aradeti, Keleti, Tsromi, Brolosni, Tsagvli, Tskhra Mukha (Nine Oaks), Tsotskhara, Tezeri, Kvishkheti, Tashiskari, Tkotsa, Vake, Pantiani, Goraka, Saribari, Zardiaantkari, Agaiani, Okami, Karafila and Tezi.

Since December 2011, legislative changes affected the terms and conditions of political party funding as well as voter bribery. Throughout the visit, GYLA's representatives informed the local residents about changes to the Organic Law on the Political Association of Citizens, Election Code and the Criminal Code. Altogether, GYLA delivered 792 pieces of legal advice.

GYLA's Dusheti Office organized a visiting tour to the municipalities of Dusheti, Tianeti, Mtskheta and Kazbegi villages. Meetings with local residents were held in 36 settlements, including the following villages: Shuakhevi, Grigolaantkari, Khando, Iltoza, Katsalkhevi, Kalilo, Zenubani, Khorkhi, Milistskaro, Magaro, Tsvitskaro, Kerana, Dzalisi, Tsipori, Khoshara, Akhatani, Torelaani, Chalisubani, Arashenda, Dolaskedi, Tushurebi, Jugisi, Toncha, Tsikhisdziri, Veshagurebi, Dzveli Osebi (Old Ossetians), Kitokhi, Chartali, Muko, Goristsikhe, Arabulebi, Sharakhevi, Tsikhevdavi, Dgnali, Gudamakari, and Saguramo. In total 728 local residents took part in the meetings. A majority of the residents were interested in establishing legal entitlements on land, registration of civil status acts, granting of pension add-ons, state healthcare programs, procedures to receive social assistance from the state, division of family households in villages, enforcement of judicial decisions, use of natural resources, awarding state pension in case of the death of a breadwinner, statutory benefits available for the residents of high mountainous regions, payment to persons recognized as victims of political repression and amendments to the Organic Law on Citizens' Political Association. 992 pieces of legal advice were issued.

During the reporting period, GYLA's Telavi Office organised visiting tours to the following villages of the Kvareli, Telavi, Gurjaani and Signagi municipalities including Gulgula, Artana, Akhasheni, Vazisubani, Kachreti, Vejini, Kardenakhi, Cickanaantseri, Sabue, Almati, Lower Bodbe, and Magaro. In total 247 pieces of legal advice were issued. The local population was interested in administrative punishments, involuntary enforcement of administrative and judicial decisions, registration of title to agricultural land plots, allocation of monetary resources within the Village Assistance Program, state pensions, repudiation of labor contracts, registration in the Unified Database of Socially Unprotected Families, division of a household property in villages, registration of immovable property, purchase of leased land plots, family books in villages, and problems related to official certificates and performance of notary duties by local authorities.

In the reporting period, GYLA's Achara Office paid tour to the following villages of the Keda, Kobuleti, Khelvachauri, Khulo and Shuakhevi municipalities including Sakharia, Sachino, Zeniti, Achkvistavi, Kobalauri, Chakhati, Kokhi, Kveda Dagva, Zeda Dagva, Divati, Chikuneti, Kokoleti, Chkhutuneti, Khutsubani, Buknari, Tsikhisdziri, Chakvi, Khala, Tskavrovka, Bobokvati, Zegardni, Kvatia, Chanchuriskhevi, Kishla, Tsalana, Pushkurauli, Vernevi, Goderdzi Mountain Pass, Riketi, Didi Riketi, Begleti, Vashlovani, Skhalta, Dioknisi, Ternali, Nenia, Buturauli, Okropilauri, Gudnauri, Makhe, Uchamba, Kokotauri, Dabadzveli, Skhefi, Kldisubani, Dro,

Akutsa, Tskhemna, Koromkheti, Dzentsmani, Didvake, Ortsva, Kuchula, Khunkuda, Chaisubani, Ortabatumi, Cape Green, Sarpi, Gonio, Erge, Kirnati, Ontopo, Simoneti, Maradidi, Machakhlispiri, Vaio, and Choromkheti.

A total of 1754 pieces of legal advice were issued. The local population was interested in establishing ownership on land plots, payment of compensation to the victims of political repression, state healthcare programs, social assistance, protection of the consumer's rights, granting of title to residential apartments to IDPs and issues related to accommodation of eco-migrants. During the visit lawyers from GYLA's Achara Office drafted lawsuits to demand the payment of monetary compensation for the political prisoners in the Achara high mountainous region. Lawyers also explained the rules for registration in the Unified Database of Socially Unprotected Families and terms and conditions for obtaining health insurance.

GYLA's Ozurgeti Office organized a tour to the following villages of the Chokhatauri, Ozurgeti and Lanchkhuti municipalities: Baileti, Jumati, Dzimiti, Nagobuevi, Upper Natanebi, Gomi, Mamati, Tskaltsminda, Lesa, Dablatsikhe (Lower Castle), Nigoiti, Chochkhati, Sameba (Trinity), Kvenobani, Parckhma and Bukistsikhe. Also, weekly exit meetings were held in Poti, Chokhatauri and Lanchkhuti. GYLA provided a total of 949 pieces of legal advice. Local residents were interested in the rules on funding political parties and amendments effecting the Election Code, establishing the legal entitlements on the lands, payment of compensation, persons recognized as victims of political repression, State healthcare programs, registration of immovable property, land privatization, statutory benefits available at high mountainous regions, division of a family household units in villages, protection of consumers' rights, use of forest and natural resources, tax benefits and social issues.

GYLA's Rustavi Office organized visiting tours to the following villages of the Marneuli, Tetrtskaro, Gardabani, Bolnisi and Dmanisi municipalities during the reporting period: Dre, Orbeti, New Zirbiti, Toneti, Samgereti, Chivchavi, Lipaipnari, Kolbani, Ertsisi, Borbalo, Vashlovani, Irganchai, Tsintskaro, Khaisi, Bailari, Tsereteli, Kap-anakhchi, Ilmazlo, Keshalo, Abdalo, Mushevani, Kianeti, Kirmizkendi, Budionovka, New Dioknisi, Balichi, Vilage Kazreti, Mashavera, Iakublo, Kariani and Kamarlo. Legal consultations were delivered on various issues, including adoption of Georgian citizenship, establishing the ownership on land plots, birth certificates for babies born outside the medical institutions, corrections in the civil status acts, and the granting of State pension and social assistance. A total of 462 pieces of legal advice were issued.

GYLA's Kutaisi Office organised auto-tours to the Tsageri, Tskaltubo, Ambrolauri, Tkibuli, Khashuri, Kharagauli, Khoni, Martvili, Chokhatauri, Samtredia and Terjola municipalities including villages:Orbeli, Alpana, Tvishi, Zogishi, Lajana, Tskhunkuri, Okureshi, Mekvena, Rioni, Sakulia, Kvitiri, Partskhanakanevi, Opurchkhetai, Namokhvani, Zhoneti, Chorjo, Chrebalo, Patara Oni (Small Oni), Namanevi, Cheliagele, Khonchiori, Nikortsinda, Khresili, Kursebi, Chkepi, Orpiri, Gelati, Chumateleti, Pona, Tsipa, Moliti, Ubisa, Boriti, Vertkvichala, Kukhi, Nakhakhulevi, Matkhoji, Nagvazao, Kutiro, Ivandidi, Khuntsi, Inchkhuri, Lekhaindrao, Guturi, Gogolesubani, Nabeglavi, Bukistsikhe, Dablatsikhe, Khevi, Khidistavi, Jvarckhma, Parckhma, Burnati, Nabakevi, Noga, Tolebi, Godogani, and Etseri. Local residents received information on the status and competences of Members of Parliament, rules of parliamentary elections, misuse of administrative resource, procedures applicable on election day, voter buying and rules of political party funding. During the tour, GYLA delivered 1027 pieces of advice and 647 pieces of legal advice were issued in the course of the tour.

RAISING IDP AWARENESS ON LEGAL ISSUES

Throughout the reporting period, GYLA continued to implement various activities to raise IDPs awareness on their rights. During mobile visits to areas densely populated by IDPs, GYLA routinely met with IDPs to inform them on the IDP Action Plan and State Strategy.

After the consultations with IDPs, it was established that they lacked information on health insurance. On this ground, GYLA published a leaflet on *'Medical insurance for IDPs'* which was distributed during mobile visits and at its offices.

With a view to timely and effectively resolve problems with IDPs, GYLA held three round table meeting throughout the reporting period where IDPs, together with the government authorities discussed current issues and sought ways towards the resolution of existing problems. Local NGOs and the media also took part at the meetings. Round tables were held:

- in Gori on the privatization of residential apartments occupied by IDPs;
- in Batumi on the State Strategy for Internally Displaced Persons and their rights of IDPs;
- in Kutaisi on advantages and disadvantages of implementing the State Strategy on IDPs

THE RIGHT TO HEALTH

GYLA has been continuing its work to raise public awareness on right to health. In the previous reporting period, GYLA created a webpage www.healthrights.ge to provide with information about human rights related to patient care. During the current reporting period GYLA has been regularly updating the webpage and published two leaflets on the following topics:

- HIV/AIDS and human rights
- Palliative care and human rights

Both leaflets are informative enough and include responses to all possible questions reader might have. The leaflets also include list of medical, psychological and human rights organizations the patients may need to address. These leaflets were developed by highly qualified experts.

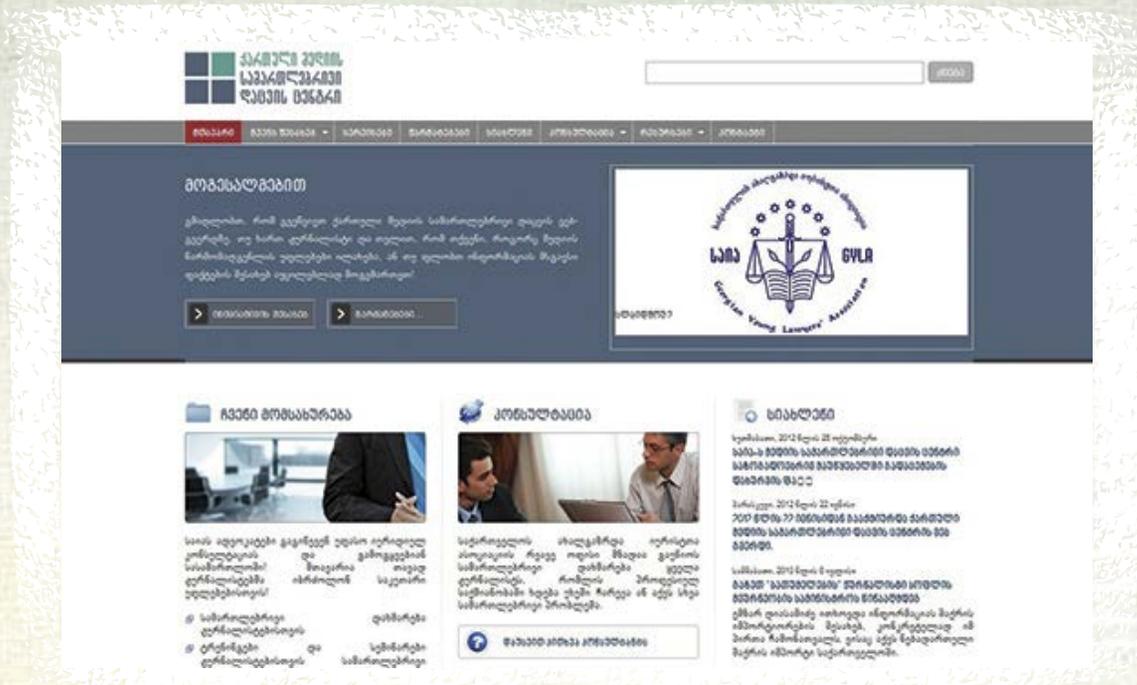


INCREASING JOURNALISTS' AWARENESS ON LEGAL ISSUES AND PROMOTING GYLA'S LEGAL MEDIA CENTRE

In its work with journalists, GYLA focused on training journalists on the Election Code rules. GMLD published complication of recommendations for media outlets on its website. The documentary prepared by the organization explained rules on the broadcasting related to the election date and other procedures applicable on the election day.

The Georgian Media Legal Defense Center held meeting with local media outlets in Telavi, Kutaisi, Zugdidi, Ozurgeti, Ambrolauri, Gori and Batumi on 'Elections and the Media' where journalists were informed about Media Center activities and its services.

To raise awareness about the Georgian Media Legal Defense Center, GYLA prepared special booklets and posters on activities and services for journalists. In addition, the Center's webpage www.gmldc.ge was restored which



includes interactive media map. The media map will be used to upload information provided by GYLA's offices in Tbilisi and the regions on the violations of journalists' rights and other important news. The media map will be regularly updated information on the current media environment throughout Georgia. A special webpage the *Georgian Media Legal Defense Center* was created on the social network Facebook.

PUBLIC ACTIONS

10 DECEMBER: HUMAN RIGHTS WEEK

GYLA commemorates 10 of December the international human rights day – with a series of traditional events.

GYLA opened the Human Rights Week with a special press conference, where the GYLA's Chairperson, provided a general overview of human rights protection in Georgia.

On the same day, GYLA's employees and members marked the international human rights days with a symbolic public action. Within the series of events, GYLA made presentation of various researches undertaken during the year.





RALLY IN FRONT OF THE PRESIDENT'S ADMINISTRATION

NGOs expressed its protest against approving unconstitutional amendments to the Organic Law of Georgia on Political Association of Citizens and the Criminal Code of Georgia on vote buying approved by the President of Georgia on 28 December 2011.

GYLA together with Transparency International – Georgia, International Society for Free Elections and Democracy, Coalition for Freedom of Choice and Open Society – Georgia Foundation – held a press conference on the laws adopted by the Parliament and urged the President of Georgia to exercise constitutional right to veto amendments to prevent violation of the fundamental principles guaranteed by the Georgian Constitution. Nevertheless, the President approved the draft amendments.

NGOs gathered in front of the President's Administration with a slogan- '*We Protest!*'

26 JUNE - THE INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

Similar to previous years GYLA, kept its tradition to mark international day in support of the victims of torture this time together with the Public Defender's office of Georgia with various activities. On 26 June, the Public Defender's Office and GYLA's Chairperson handed informative leaflets on the detainees' rights at the Temporary Detention Isolator No. 2 in Digomi, Tbilisi to inform prison guards on the rights of the detainees during detention as part of the prevention of torture and ill-treatment in prisons.



A PROTEST RALLY IN FRONT OF THE KSANI PRISON NO. 15

As it became known convicts from Ksani prison No. 15 addressed the Public Defender of Georgia with a group letter alleging ill treatment by prison administration. The letter, signed by 700 prisoners described physical and verbal abuse in prisons.

On 2 July, 2011 GYLA, as part of its solidarity to prisoners together with Civic Solidarity Campaign hold a protest in front of the Ksani Prison with a demand to launch investigation on the allegations of torture and ill treatment..



MEDIA MONITORING

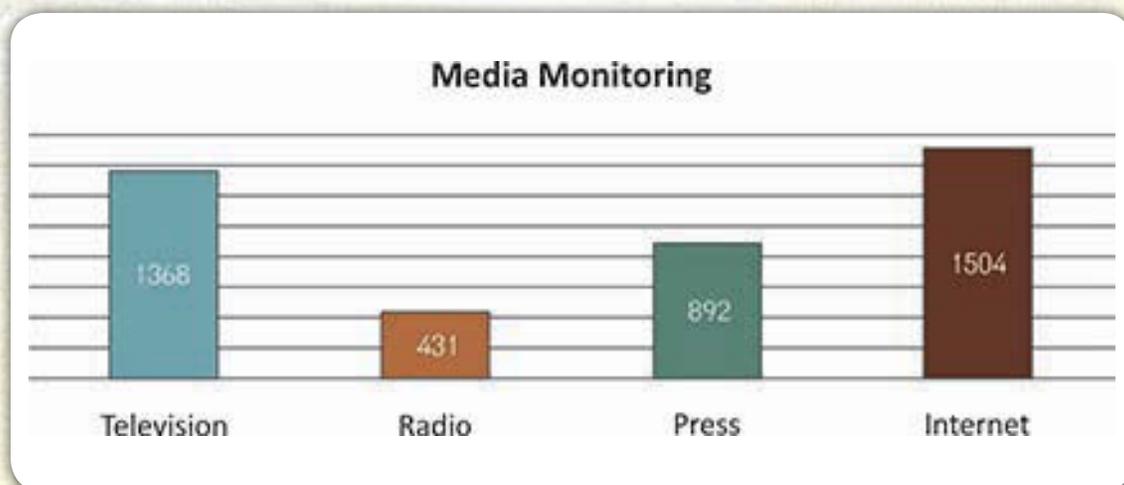
To monitor broadcasting of media outlet, GYLA has been cooperating with IPM a public research organization, for several years now. According to statistical data provided by IPM, throughout the reporting period GYLA was mentioned in 4,061 articles and television and radio programs of 61 media outlets.

According to the statistical data, ten television channels broadcasted a total of 1,368 stories / programs about GYLA, whilst The Maestro TV was leading with 432 programs.

431 stories were broadcasted by eight radio channels, whilst Radio Palitra was leading with 126 stories.

25 printed media sources published 892 articles about GYLA during the year. A majority of the articles 150- were printed in the Resonance Newspaper.

As regards to Internet publication, GYLA was mentioned at 1,504 internet articles, whilst, the internet publication *Interpress News* (www.interpressnews.ge) was leading with 270 articles.



**PROMOTING EFFECTIVE,
ACCOUNTABLE AND TRANSPARENT
GOVERNMENT**

საქართველოს ახალგაზრდა იურისტთა ასოციაცია

საიიპ

Georgian



Young Lawyers

PROMOTING EFFECTIVE, ACCOUNTABLE AND TRANSPARENT GOVERNMENT

Promotion of effective, accountable and transparent government remains one of the major priorities for GYLA. Similar to previous years, GYLA implemented a series of activities in this direction. This included researching on anti corruption provisions, analyzing problems within the justice system through specific cases and trial monitoring as well as working with the Georgian parliament to improve the legislation during the pre-election period, monitoring the elections and other.

GYLA produced several important research papers during the reporting period.

RESEARCH PAPERS

DISCIPLINARY PROCEEDINGS IN PUBLIC SERVICE

Georgian National Anti-Corruption Strategy Paper and its Implementation Action Plan highlighted the reform of the public service and the relevant legislative amendments as one of the most important issues.

The Monitoring Report on disciplinary proceedings in public service deals with issues such as:

- Phases of imposing disciplinary measures (formal aspect);
- Grounds and measures for imposing disciplinary measures (substantive aspect);
- Actual application of the principles (practical aspect).

Monitoring was carried out in relation to the following agencies and bodies such as the Chancellery of the Government of Georgia, Administration of the President of Georgia, Office of the Parliament of Georgia and central offices the government ministries (except the Interior Ministry and the Military Office of the Defense Ministry).

CONSTRUCTION OF THE GEORGIAN PARLIAMENT BUILDING IN KUTAISI

The Monitoring Report provides a legal analysis of the construction process of the Georgian Parliament in Kutaisi from the period of December 2009 until December 2011. In the course of the research, GYLA established that information on parliament construction was classified and therefore not available.



During the monitoring period, GYLA addressed relevant bodies with a request to issue public information on the cost of the parliament building. After careful analysis of judgments, it became clear that these bodies knew nothing about construction project, its estimated cost and procurement. There is no information on the cost in the database and none of the State bodies supervises the construction.

Monitoring revealed series of problems, including:

- Denial of public information or belated release of such information;
- Those authorized to release public information would unreasonably refer them to various other bodies;
- General stance of the common courts to dismiss administrative disputes as unsubstantiated;
- Non-transplant nature of government bodies - dubious nature with which 73,775,300 Lari was spent on parliament construction might have been executed through corruption scheme. Non-transparent nature of the whole process provides a legitimate reason to believe so.



THE REHABILITATION PROCESS BEYOND THE FAÇADE

Large sums of money have been allocated from the central and local budgets to finance various infrastructural projects. This project also included rehabilitation of historic parts of the towns of Tbilisi, Batumi and Kutaisi.

Research paper developed by GYLA discusses the activities implemented by four specific not-for-profit legal entities including *Fund for the Rehabilitation and Development of the Old Town, Tbilisi Development Fund* – founded by the Tbilisi Government in Tbilisi, *Fund for the Development of the Historic Part of Batumi* –founded by the Batumi Town Hall in Batumi; and the *Fund for Rehabilitation and Development of the Historic Part of Kutaisi* – founded by the Kutaisi Town Hall in Kutaisi.



The research showed that information on spending is not transparent and it is impossible to establish which activities have been financed from received funds and what was the criterion to determine rehabilitation works and the implementing companies. It should be noted that a total sum received and spent by these Funds between 2005 and 2011 equaled to 288,434,800 Lari.

Works implemented by these Funds were financed through Tbilisi City Budget contrary to the Law of Georgia on State Procurement. The Funds established by the Batumi and Kutaisi town halls did not meet their obligation to submit annual reports on their activities to their founders.

Tbilisi Development Fund established by the Tbilisi Town Hall independently made decisions on selling the property received from the founder as a contribution. By selling the Rike territory in Tbilisi and then buying it back from the buyer, the Tbilisi Budget lost more than 15 million Lari.



REPORT ON THE MONITORING OF STATE PROCUREMENT OF OUTDOOR LIGHTING WITH THE 2010 BUDGET OF BATUMI SELF-GOVERNMENT BODIES

The report provides a detailed analysis of each state tender for the procurement of the outdoor lighting by the Batumi Town Hall in 2010 and highlights procedural violations committed by the tender commission. The report reviews the violations such as:

- Violation of statutory rules on publishing a tender announcement
- Difference between the pre-determined annual purchase plan and the prices indicated in the tender application
- Complicated procedures for qualification requirements

FREEDOM OF INFORMATION IN GEORGIA

Chapter 3 of the General Administrative Code of Georgia governs provisions on freedom of information. Since the adoption of the Freedom of Information Act, GYLA has been publishing periodic reports on the status of freedom of information in Georgia. However, these reports used to deal with individual aspects of freedom of information. Starting from 2011, GYLA tried to combine whole data in single document. The 2011 report combines information on problems and achievements of the monitoring objects for the period of 1 January 2011 to 31 December 2011 inclusive. The report deals with issues such as:

- Standards developed by the courts of general jurisdiction
- Established practice on dealing with administrative complaints
- Established practice on releasing information
- Presentation of the 10 December reports
- Maintenance of the Public Information Register

In the course of its work, GYLA monitored number of public offices including: the office of the Parliament of Georgia, the Administration of the Parliament of Georgia, the Chancellery of the Government of Georgia, central offices of all the government ministries, the Constitutional Court, courts of general jurisdiction, five self-governing towns, the Central Election Commission, the National Communications Commission, the Energy Regulatory Commission and the National Bank of Georgia.

GYLA'S ROLE IN THE LAW-MAKING PROCESS

Throughout the reporting period, GYLA actively continued cooperation with Georgia's highest legislative body and as part of its query received 289 draft laws from the Parliament of Georgia. As parliament often rushed through committee hearings, GYLA found it impossible to establish written communications but responded to some of the issues through official statements on its website.

Occasionally, GYLA had to make oral submissions to comment on the draft laws discussed at the parliamentary hearings. GYLA also released important statements on initiatives such as draft laws on voter buying and creating the commission on correcting voters list, significant amendments to the Civil Procedure Code and the proposal to edit Georgian National Law Gazette and other. GYLA submitted 24 legal analyses to the draft laws, some of which are listed below:



1. on draft amendments to the Regulation of the Parliament of Georgia
2. on draft amendments to the Law of Georgia on Internally Displaced Persons
3. on draft amendments to the Law of Georgia on Electronic Communications
4. on draft amendments to the Constitution of Georgia
5. on draft amendments to the Organic Law of Georgia on Political Associations of Citizens
6. on draft Election Code of Georgia
7. on amendments to the General Administrative Code of Georgia
8. on amendments to the Administrative Offences Code of Georgia
9. on the draft Law of Georgia on Informational Security
10. on amendments to the Civil Procedure Code of Georgia
11. on amendments to the Constitution of Georgia
12. on amendments to the Criminal Code, the Law on Criminal Intelligence and Investigative Activities, and the Law on Criminal Procedure Code
13. on draft regulations on the Parliament of Georgia
14. on amendments to the Criminal Procedure Code

Three-out of twenty-four proposals submitted by GYLA were fully taken into consideration, thirteen partially, whilst eight proposals were not taken into consideration at all. A high number of partly considered conclusions are explained by the fact that the Parliament, out of large number of recommendations, took into consideration relatively less important recommendations.

Among others, the Georgian Parliament took into account GYLA's following recommendations:

1. **Amendments to the Imprisonment Code.** According to the proposed amendments, prisoner as part of a disciplinary sanction was banned from receiving and sending out correspondence up to three months. After GYLA's intervention, parliament made exception for the prisoners to send and receive letters to and from state bodies and agencies including the Public Defender's Office, courts and other organizations.

2. **Amendments to the Constitution of Georgia.** The initial version of the draft to constitutional amendments envisaged increasing the number of Members of Parliament from 150 to 190. GYLA objected to the initiative and found it unacceptable for the Parliament to amend a decision voted through a public referendum. In addition to its written submission, GYLA implemented other activities too. GYLA's staff members from its regional offices actively participated in the nation-wide public discussion of the draft constitutional amendment. A campaign 'I said 150!' was launched together with the Facebook page to spread news on important developments. GYLA also organized a public discussion and sent a letter to the Venice Commission. As a result of the campaign, GYLA's recommendations were taken into consideration and no changes were made to the number of Parliament members.
3. **Amendments to the Civil Procedure Code of Georgia.** Amendments to the Civil Procedure Code of Georgia was very important but included some painful changes. GYLA released the public statement to inform the public about changes in legislation, as well as disseminated the information to its members and arranged public meetings. In the end the proposed amendments had no impact on administrative cases, according to which, register is allowed to reject registration of complaints (applications) received by mail. Plaintiff has no obligation to submit copies of the complaint and supporting documentation to the defendant directly. A first instance court shall first allow a party to rectify its error in the complaint rather than dismissing erroneous complaint straight away.
4. **Amendments to the Criminal Code.** According to the initial amendment draft to the Criminal Code, committing a crime on the grounds of racial, linguistic, religious, national or ethnical intolerance constituted to aggravating factor. Organization LGBT Georgia and GYLA deemed that these grounds did not fully reflect relevant international standards into the Georgian legislation. Consequently, GYLA introduced a new wording that has been fully accepted by the Parliament of Georgia. According to the amendments discriminating grounds such as skin color, sex, sexual orientation, gender identity, age, disability, political views, etc was deemed to constitute to an aggravating circumstances.



LEGISLATIVE PROPOSALS

During the reporting period, GYLA submitted the following legislative proposals to the Parliament of Georgia:

1. on amending the Labor Code
2. on improving anti-drug legislation
3. on amending the Organic Law of Georgia on Political Association of Citizens and the Criminal Code
4. on implementing the 'must carry' and 'must offer' principles

LEGISLATIVE PROPOSAL TO AMEND THE LABOR CODE

The proposal concerned regulations governing the repudiation and termination of labor contracts, which did not adequately safeguard employees' rights in case of terminating a labor contract. Applicable regulations were not compatible with international standards on labour rights.

In its legislative proposal, GYLA offered ways to regulate suspension, termination and repudiation of labor relationship. Despite the lapsed deadline for discussing the amendments, GYLA's legislative proposal had not been discussed.

LEGISLATIVE PROPOSAL TO PERFECT THE ANTI-NARCOTIC LEGISLATION

Present legislative proposal was prepared in response to serious shortcomings in the Law of Georgia on Combating Drug Related Crimes. According to the present law, individuals convicted in drug related crimes, were automatically deprived of the right to carry out certain activities by virtue of their conviction. Courts, however, would not provide adequate reasoning for their judgment. Based on these provisions, full restoration of impugned rights were only possible after the lapse of the statutory term prescribed by the present law and it had no mechanism for restoring these rights.

The aim of the legislative proposal was to designate a competent body to initiate judicial review. The Parliament considered GYLA's proposal and designated Steering Commission on Abolition of Conditional Sentences of the National Agency for the Enforcement of Probation sentence as a competent authority. Based on GYLA's recommendations, those convicted of drug related crimes are able to resort to the new mechanism to claim their rights on various activities before the lapse of the statutory term.

A LEGISLATIVE PROPOSAL TO SUSPEND ADMINISTRATIVE DETENTION AS A MEASURE OF ADMINISTRATIVE PUNISHMENT

The objective of the legislative proposal was to highlight the fact that provisions of the Administrative Offences Code on Administrative Detention did not meet the minimum requirements, necessary to minimize interference with the liberty of the person under administrative detention.

Administrative detention, by its nature, amounts to criminal sanction, however, the Administrative Offences Code, leaves the person in question without any proper judicial guarantees and violates his/her basic rights at every stage of the deliberation including the guarantees stipulated by the Georgian Constitution and the European Conventions on Human Rights.

The legislative proposal submitted by GYLA to the Parliament of Georgia aimed to suspend administrative detention as an administrative punishment by the end of the Reform on the Administration i.e. 1 January 2013. To the writing of this report, Parliament has not yet dealt with the proposal.

GYLA's legal opinions and legislative proposals can be found at GYLA's database: www.gyla.ge/legislature

GYLA'S ROLE IN IMPROVING THE ELECTION ENVIRONMENT

AMENDMENTS TO THE ELECTION LEGISLATION

In the second half of 2011, the Parliament of Georgia had actively amended series of legislations. As part of its legislative initiative, the Parliament proposed amendments to Election Code on September 2011. This initiation was quite unexpected since it occurred without any prior notice. Together with the partner organizations, GYLA submitted its views on the Draft Code on two different occasions as per official parliamentary procedure i.e. before the first and second readings.

In addition to written communications, GYLA was actively involved in oral discussions and hearings, however, GYLA's recommendations were not taken into due consideration. Its involvement became formal since Parliament only considered 12 recommendations out of proposed 57, 13 views were partly taken into consideration, whilst 32 recommendations were completely rejected.

Out of the five proposals that the Parliament ignored- three already formed part of the previous version of Election Code. One recommendation was partially reflected in the previous Code, whilst one recommendation was completely new. The Parliament disregarded an overwhelming majority of recommendations designed to improve the election environment through new and workable concepts of the Election Code.

THE OFFICE OF THE STATE AUDIT

According to the legislative amendments made on 2011, the State Audit Office was tasked to monitor the funding of the political parties. GYLA analyzed State Audit Office activities in relation to the monitoring of the political party funding for the period of six months (January – June 2012).

In series of events, the Financial Monitoring Service of the State Audit Office was violating its mandate prescribed by the Organic Law of Georgia on the Political Association of Citizens. The State Audit, instead of assisting the entities subject to monitoring and preventing violations, intimidated opposition parties, especially the entire opposition coalition. This approach radically contradicted with the concept of the state authority. In the beginning, the State Audit Office showed an attempt to strike some balance but later the Financial Monitoring Service focused on punishing a specific political force.

Analysis of the actions of the State Audit Office revealed the following:

- Decisions made by the Financial Monitoring Service frequently lacked any legal reasoning;
- The Financial Monitoring Service was not properly investigating the circumstances of cases it dealt with and failed to correctly interpret and apply applicable legislation;
- Biased approach towards and unequal treatment of political forces.

CAMPAIGN "IT AFFECTS YOU TOO"

In December 2012, together with its partner organizations, GYLA launched a large-scale public campaign 'It affects you too' to protest against negative legislative amendments proposed by the Georgian Government. The campaign aimed to change the statutory rules that significantly limited constitutional rights and freedoms and jeopardized the pre-election environment.

The campaign had two basic directions including proposing package of legislative amendments to the Parliament of Georgia as well as informing Georgian citizens on the ongoing process and increase their involvement in the legislative process.

This was achieved by conducting meetings with citizens -using social media and other technologies. Hundreds of NGOs and more than thousand citizens joined the campaign. The campaigning organizations held a series of meetings with civil society organizations and diplomatic corps. In addition, members of the campaign met with the members of the Parliamentary Legal Affairs Committee.

The first legislative proposal submitted by "It affects you too" campaign to the Georgian Parliament sought to amend the Organic Law of Georgia on Political Association of Citizens and the Criminal Code of Georgia. Existing legislative changes unlawfully restricted freedom of expression, property rights and other constitutional rights. The purpose of the legislative proposal was to list the broad and unjustified restrictions imposed by law. The Parliament of Georgia took into account a majority of GYLA's recommendation bringing the regulation on political parties in line with the constitutional provisions.

Another legislative proposal submitted as part of the campaign aimed to improve media and election environment during the election period. The proposal creates the legislative guarantees to ensure dissemination of the relevant information, including the implementation of the *must carry and must offer* principles. These principles obliged cable and satellite broadcasters to transmit television signals on various TV companies. In addition, according to the proposal, the broadcasters were entitled to demand TV companies to include their signal into the cable-transmitted package. After meeting with various broadcasters and launching a large-scale information campaign, the Parliament accepted the proposal incorporating the *must carry and must offer* principles into the legislative regulatory framework. As a result, subscribers of cable and satellite operators were able to watch and listen to information from different sources broadcasted by media organizations.



ELECTION PORTAL

To ensure access to information on 2012 Parliamentary Election, International Society for Faire Elections and Democracy, and the Transparency International – Georgia together with GYLA launched an election web portal.

The objective of the web portal was to register alleged violations of election legislation during the pre-election period, on the election day and after. A special feature of the portal included an interactive map showing violations related to elections. In addition to the portal, a free-of-charge short text messaging (sms) on number – 2500 became available which allowed citizens to register violations or submit relevant information from any mobile operator.

In connection with the 2012 Parliamentary Election, the partner organizations have registered 330 incidents in the pre-election period and 340 incidents on the Election Day. The address of the election portal is www.electionportal.ge



MONITORING OF THE STAFFING OF THE ELECTION ADMINISTRATION

In connection with the 2012 Parliamentary Election, together with its partner organizations – the International Society for Fair Elections and Democracy – GYLA implemented a joint project monitoring of the staffing of the election administration in 73 election precincts.

The staffing of election administration was monitored in several directions. At first, the partner organizations looked whether individuals with previous disciplinary or punishment measures under the administrative rule in the 2010 elections were elected as members of Precinct Election Commissions (PEC) for the 2012 Parliamentary Election.

Although a re-appointment of officials previously facing disciplinary or administrative measures is not a violation of the election legislation itself, it could disrupt public trust towards election administration. Secondly, GYLA monitored staffing of the composition of polling station commissions based on randomly selected 396 polling stations. In the course of its monitoring, GYLA focused on issues such as previous experience of members of the committee, qualification and conflict of interests.

At the third and final stage of the project, GYLA and the Fair Elections Society monitored the compliance with the Ethics Code of the Election Officials and the actual use of adequate liability measures for perpetrating the election legislation.

PRE-ELECTION PERIOD

GYLA monitored period leading to 2012 Parliamentary Election through its nine regional offices and seventeen monitors, in Tbilisi and seven regions of Georgia (Achara, Guria, Imereti, Shida Kartli, Kvemo Kartli, Kakheti, and Mtskheta-Mtianeti) from 1 January 2012 until 30 September 2012.

The pre-election period was marked with a high political rivalry, tense atmosphere and multiple violations. Pre-election environment was greatly unequal creating the impression that the election race was not among political

parties but between the state authorities and the opposition. This was largely due to lack of separation between the ruling party and the administrative functions of the State, having a detrimental effect on the politically competitive environment.

In the pre-election period, GYLA's observers obtained information through various means. It requested public information from election administrations and other public institutions. GYLA also double-checked the information published by the media. In addition, GYLA's representatives attended political party campaigns. Members of the public as well as political party members submitted information on violations identified during the pre-election period, whilst GYLA often acted on these violations through challenging individual cases before the national courts and law enforcement agencies.

GYLA published two reports on monitoring the pre-election period, which revealed the following trends:

- use of administrative resources for election purposes
- persecution, intimidation, dismissal from office and other kinds of pressure effected against citizens on alleged political grounds
- interference with journalist's professional duties
- unlawful decisions and judgments by the courts and the Ministry of Justice

THE ELECTION DAY

On the election day, GYLA' observed elections at 35 election districts in Tbilisi and other nine regions (Achara, Imereti, Guria, Samegrelo, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Kakheti and Mtskheta-Mtianeti) as well as at polling stations abroad including the USA, the United Kingdom, France, Germany and Hungary.

GYLA deployed static observers at 195 polling stations throughout Georgia who were assisted by mobile groups at 35 precincts. GMLDC together with the other NGOs were working throughout the election day, whilst GYLA periodically informed the public about election-related procedural violations.

GYLA's observers were permanently stationed in Precinct Election Commissions (PEC) and the CEC since the election day until the final election results. Observers submitted around 147 remarks / complaints on the election day, including:

- ten complaints and 40 remarks from the opening of the ballot station until beginning of the voting
- 59 complaints and 32 remarks from the beginning of voting until opening of the ballot box
- six complaints from opening the ballot box until drafting the final protection on the election results

Most of the complaints concerned violations of election legislation such as interference with the activities of observers or attempts to influence their behavior, civilians registered at exceptional election precincts, inaccuracies in the voters' lists and, especially, absence of persons having consular registration in the voters' lists, unlawful prohibition of videotaping at election precincts, violations of voting and ballot counting procedures.



PERIOD FOLLOWING THE ELECTION DAY

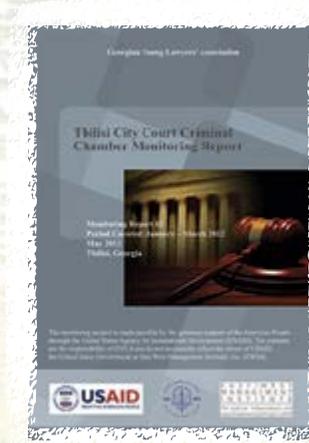
GYLA observed the procedures after the election day in 35 PEC and the CEC. GYLA followed on violations and lodged relevant complaints with the CEC or Court. GYLA paid closer attention on imposing disciplinary and administrative measures against the perpetrating election commission members and lodged a complaint in relation to number of serious violations of the election legislation at about ten PEC Khashuri No. 35 polling stations. In the complaints, GYLA requested to annul the election results. GYLA's complaint was upheld by the court and eventually the CEC ordered re-voting on 14 October 2012 at polling station nos. 1, 2, 3, 8, 9, 10, 13, 45 and 46 of the Khashuri polling station No. 35.

PROMOTING INDEPENDENCE AND IMPARTIALITY OF THE GEORGIAN JURDIICIARY

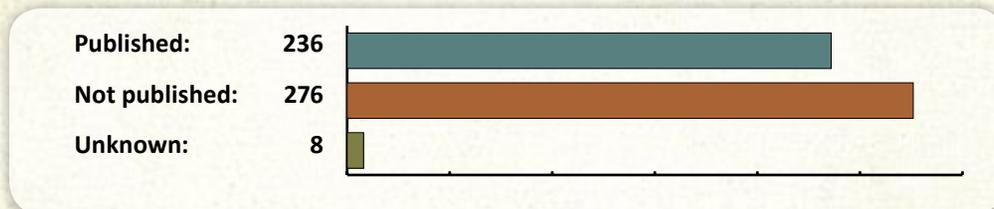
GYLA monitored trials with a view to promote establishment of fair trial principles and establish whether national and international standards were applied in the judiciary process. It also aimed to ascertain whether requirements of international standards on safeguarding human rights and the right to a fair trial were met.

GYLA carried first stage of monitoring criminal trials at the Tbilisi City Court from October until December 2011, whilst the second stage was from January to April 2012.

Findings of the monitoring was analyzed against the basic rights and principles stipulated by the criminal law of Georgia including the right to a public hearing, equality of arms, the right to an interpreter, right to personal liberty, right to reasoned judgment, and prohibition of cruel and degrading treatment. **Within six-month period, GYLA monitored 520 trials.**



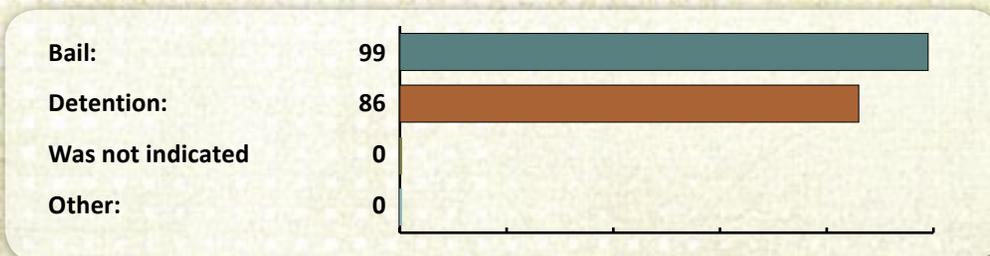
Monitoring revealed the following:



In almost a half of cases (276 cases out of 520), the court provided no adequate details about the date and time of the scheduled hearing.

Although, parties to the Court proceedings appeared to enjoy equal rights during trials, judges lack impartiality and are bias toward the prosecution. In all cases monitored by GYLA, the court upheld the prosecution's motions ordering detention of the accused person as demanded by prosecution. In the same token, the court upheld all demands on release on bail as suggested by prosecution. Judges often failed to indicate reasons justifying necessity of the imprisonment. As regards to release on bail, the court would usually order to pay exactly the same amount of money as requested by the prosecution.

Statistics of application of preventive measures are shown below:



- In 48 hearings with witness examination, judges questioned witnesses in six cases (in one of the cases, the judge asked a witness 37 questions);
- In all of the 117 pre-trial hearings, the judge upheld all motions of the prosecution office concerning the admissibility of evidence;
- The monitoring also revealed that, at hearings, the prosecution was much more active than the defense. For example, at all of the pretrial hearings monitored by GYLA (117 hearings), the prosecution submitted motions for presenting evidence, while defense raised similar motions only in 27 cases. It was very rare for the defense to object against the prosecution's evidence;
- Judges upheld only 23 motions of the defense supported by the prosecution.
- Remaining four motions of the defense supported by the prosecution were rejected;
- None of the 113 final judgments resulted in acquittal.

Before publicly presenting the monitoring reports, GYLA shared monitoring results with the Georgian judiciary and allowed time for judges to get familiar with the reports and provide their comments.

On 14 June 2012, GYLA presented findings of both monitoring missions. International and local NGOs expressed their high interest in the monitoring results.

INVOLVEMENT IN THE 'COALITION FOR INDEPENDENT AND TRANSPARENT JUSTICE'

GYLA is a member of the 'Coalition for Independent and Transparent Justice' including the working groups on court administration, legal education, criminal law and free-of-charge legal aid.

During the past year, GYLA implemented number of important activities under the auspices of the Coalition. In 2012, the Parliament of Georgia enacted essential changes to the legislation governing judiciary prior to what, the Coalition members, including GYLA and the High Council of Justice discussed the amendments. GYLA and other members of the Coalition prepared a draft law aimed at increasing the political neutrality of the High Council of Justice and improving the rules of appointment and re-assignment of judges and disciplinary proceedings. The Parliament of Georgia adopted the law during the spring session in 2012.

As a member of the coalition, GYLA was also directly involved in drafting a report on Judiciary System in Georgia on two important issues of judicial independence and transparency. The report also discussed participation of self-government bodies and individual judges at the judicial system as well as issues related to separation of power within the process. The Fifth Public Forum was dedicated to the report launch on 6 July 2012.

GYLA also worked on a number of problems related to criminal justice, including analysis of legal regulation and practical application of preventive measures in criminal proceedings. Together with other members of the Coalition, GYLA produced a report to analyze the legislative framework governing the application of preventive measures and problems related to implementation of these measures in practice.

ANALYSIS OF CRIMINAL AND ADMINISTRATIVE CASES ON ALLEGED POLITICAL GROUNDS

In August 2011, GYLA started a second phase for analyzing criminal and administrative offence on alleged political grounds. The first phase of the project carried in the previous reporting period, concerned the cases of individual arrests in relation to the spring rallies in 2009 and the subsequent period. As for the second phase, analysis reflected arrests on criminal and administrative offences on alleged political grounds in relation to the events of 26 May 2011 and later.

GYLA selected 33 cases for research, including 21 criminal and 12 cases on administrative offences. Criminal charges were as follows: resisting law enforcement official, deliberately inflicting less serious bodily injuries, purchasing and storing narcotic substances, conspiracy or insurgence with the intent to violent change Georgia's constitutional order, violently taking possession of or blockading a television or radio broadcaster, and storing or carrying firearms. Administrative offences are mostly related to malicious disobedience with a lawful demand of a police officer and minor hooliganism.

The purpose of the research was to study specific cases and establish whether relevant norms of substantive and procedural law were observed by the authorities during the pre-trial and trial stages. A presentation of the report has taken place on 10 December within the framework of the Human Rights Week.



QUALIFIED AND CONTINUOUS LEGAL EDUCATION, DEVELOPMENT OF THE LEGAL PROFESSION



QUALIFIED AND CONTINUOUS LEGAL EDUCATION, DEVELOPMENT OF THE LEGAL PROFESSION

Another strategic goal for GYLA has been developing a professional capacity for young lawyers, promoting legal profession and the establishment of legal and civic education system compatible with international standards. Throughout the reporting period, GYLA actively contributed towards educational activities at national and local levels. GYLA's Legal Education and Information Center and its Foundation for the Support of Legal Education (FSLE) - offers various courses for young professionals, such as alternative and continuous legal education, development of specific skills (including debating, skills for presentation at the trials, legal writing, skills for legal writing). It also includes targeted trainings and public discussions, permanent updates on new information and publications.

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

- Yearly six-month courses in Tbilisi in all areas of law
- In-house and national tournaments in Parliamentary debates in Batumi, Gori, Kutaisi, Telavi and Tbilisi
- Competition *Young Lawyers for Constitutional Rights* in the Constitutional Court of Georgia
- Moot courts in the Supreme Court of Georgia
- Seminars and trainings for both lawyers at GYLA's Legal Aid Center, lawyers and other interest groups
- Public discussions on important novelties and existing issues
- Development of law curriculum for teaching
- A scholarship program for Master's level student in the regions
- Replenishment of GYLA's law library with new legal literature
- Publication of law textbooks

TEACHING COURSES

FSLE is paying special attention to the six-month education courses. In the academic year of 2011 – 2012, the FSLE selected seventy students out of 120. During the six-month period, students were exposed to the following subjects:

- Introduction to law
- Civil law
- Criminal law
- International law

Following the completion of the courses, fifty students were allowed to attend final examination. Only 20 students received joint diplomas by GYLA and the FSLE. 23 students received certificates of attendance, whilst seven could not pass required 50% threshold.

GYLA and the FSLE provided recommendation letters to course graduates to assist them in job search. One of GYLA's successful graduates is currently undergoing internship in civil law at GYLA's Legal Aid Center.





At the end of the course, the FSLE organized **moot court competitions** for its students at the Supreme Court of Georgia. The judges for the moot trials was a jury composed of judges, lawyers, public officials and field specialists.

THE ART OF DEBATE

The FSLE as part of its priorities paid closer attention to train young students in debating skills in Tbilisi and regions. During the reporting period, the Foundation organized debating courses in Tbilisi and four other regions in Georgia. At the courses, students learned about debating skills, debate culture, prompt thinking and analytical skills. Participants were able to master the skills in gathering and processing information on legal and global issues.

In the beginning of May, the FLSE organized in-house debate tournaments and selected both winning teams and best debaters. At the end of May, winning team together with others took place at the traditional national debating tournament held in Tbilisi. The participants debated on issues including reforms of the election, education, economic and judiciary systems.



The best debaters and winning teams received legal books and gifts. **The winner of this year's national debating tournament was the joint team of Introductory Law and Civil Law students of FSLE.**

COMPETITION 'GYLA FOR CONSTITUTIONAL RIGHTS'

With the financial support of the German Fund for International Legal Cooperation (IRZ) in cooperation with the Constitutional Court of Georgia, Competition '*Young Lawyers for Constitutional Rights*'- was held in the building of the Constitutional Court in Batumi. 78 teams from all over Georgia expressed their wish to participate in the Competition. Unfortunately, similar to the previous year, the number of interested students from the regions was low whilst 99% of applicants were from Tbilisi Universities only. Based on the pre-determined criteria, eight teams were selected, whilst seven were from the Javakhsivili Tbilisi State University and one from the Georgian University.



On 9 – 11 December, selection rounds as well as semi-final and final rounds were held in at the Constitutional Court. Maia Kopaleishvili, Judge of the Constitutional Court chaired the moot court sessions; other members of the jury were field specialists and a German judge.

The Competition was solemnly closed on 11 December where Giorgi Papuashvili, Chairman of the Constitutional Court addressed the participants and awarded a special prize of the Constitutional Court to a member of the Tbilisi State University team – a six-month paid internship at the Constitutional Court of Georgia. Same student also received the IRZ’s sympathy prize, whilst in the summer 2012 an opportunity to visit Bonn (Germany) and attend meetings held in various German institutions for a week together with the Georgian delegation.

The Tbilisi State University team won the competition and earned the title of the best respondent. GYLA, the Constitutional Court and IRZ handed over various legal books and valuable gifts to the participants of the competition.

CIVIC EDUCATION SUNDAY SCHOOL

In the previous year, FSLE launched another successful project *Sunday school* in Tbilisi, Batumi and Kutaisi where professional lawyers and representatives of other professions read lectures in practical law (street law) and civic education issues.

Within the Sunday school initiative, the FSLE organized study visits for school pupils to the Public Defender’s Office, the Civil Registry Agency, the Ministry of Justice, the Supreme Court and the Parliament of Georgia where pupils got familiar with the nature of the work of these agencies. At the end of the course, the Sunday school attendees received certificates of attendance.

School pupils from Shida Kartli and Kakheti were offered a different format of cooperation. In Kakheti, FSLE, jointly with the Civic Education Development and Employment Center, organized a tournament of debates for school pupils. High schools of eight Kakheti municipalities are members of the Center and education clubs were formed at school. FSLE arranged debating rounds among 59 schools on the following topics:



- children's rights
- school exams
- national exams
- the concept of school bailiffs

The best debating teams were selected from the schools of each municipality. The winners will take part in the Kakheti regional championship in December 2012.

Since 2012, FSLE together with the organization *Biliki* - has been conducting seminars for school pupils from Shida Kartli (Gori, Kaspi and Khashuri) in street law and debates. 20 school pupils from 9th to 12th grades attended the seminars. In June 2012, a tournament was held among the members of the debate club at the Shida Kartli level. The winning team and the best speakers won a holiday at summer camp organized by *Biliki*.

PUBLIC DEBATES

FSLE continued its tradition to invite interested individuals to its periodic public discussions. The discussions concerned various legal issues and new developments.

Throughout the reporting period, the FSLE organized public discussions on the following topics:

- **'The status of religious minorities in Georgia and its issues'**-where participants discussed persecution and intimidation of religious minorities and its underlying reasons.
- **'The draft amendment to the Constitution increasing the number of Members of Parliament from 150 to 190'**-the meeting aimed to discuss the draft constitutional law on increasing the number of MPs. The participants evaluated this initiative against the background of the referendum held in 2003, as a result of which the number of MPs was fixed at 150.



SEMINARS AND TRAININGS

GYLA and FSLE are continuing its work towards increasing qualification and knowledge of GYLA's employees and organizing various focus groups through seminars and trainings on new developments and problematic legal issues.

In March 2012, 30 lawyers from GYLA's Legal Aid Center were trained on the topics related to registration of immovable property together with the invited expert from the National Agency of Public Register.

In August 2012, GYLA's strategic litigation and criminal lawyers working on the cases before the ECtHR held a working meeting to discuss legal issues including imprisonment as a preventive measure during the investigation, detention conditions and available medical services as well as basic principles of the right to a fair trial according to the ECtHR jurisprudence. 20 lawyers attended the meeting.

With the financial support of the Council of Europe, FSLE organized four identical seminars for criminal lawyers on *'Compatibility of practice of investigating ill-treatment allegations with the European standards'* where the public defenders of Georgia and human rights experts were invited.



The Training Center actively cooperated with the Georgian Bar Association and the State Legal Aid Service in selecting the participants. A total of 135 lawyers took part in the four seminars out of which, 20 lawyers were from various regions of Georgia.

FSLE addressed the Georgian Bar Association with a request to officially certify (accredit) the four seminars. The FSLE's request was granted and the participants of the seminars received three credits for their participation.

The Council of Europe also supported two other identical trainings for NGOs and students on 'European Standards of Human Rights' which had 50 participants.

Under the financial support of the Open Society Georgia Fund (OSGF), two training seminars 'Human Rights in Patient Care' was orga-

nized which included 50 participants including judges, prosecutors, lawyers, heads of legal sections of medical institutions and representatives from the Ministry of Health. Number of health care experts such as experts on the quality of medical services, the chairperson of the Georgian National Bioethics Council and the executive director of the organization 'The Right to Health' were invited to the seminars.

The seminar discussed significant issues including health policy and regulatory framework governing healthcare, quality of healthcare, improper practices and medical mistakes, historic preconditions of the current ethical and legal regulation of doctor/patient relations and basic principles of modern medical ethics and bioethics; patients' rights and the Georgian legislation as well as doctors legal and ethical regulations and its legal mechanisms.

Under the financial support from the International Research and Exchanges Board (IREX) G-MEDIA (Georgian Media Enhance Democracy, Informed Citizenary and Accountability program, ten training seminars were organized throughout Georgia for journalists on following topics:

- Judiciary and the standards of transparency
- Law-making and participation
- Local self-governance
- Elections and the journalists
- Georgian tax system and mechanisms of redress for taxpayers

Participants of the training seminars discussed problems and news related to the topics, current jurisprudence and the practice of journalists. **In total 150 journalists took part in the ten training seminars.**

PROMOTING MODERN STANDARDS OF LEGAL EDUCATION

Through the financial support of IRZ and GTZ, GYLA's was to improve methodologies in the area of legal education and their approximation with the German standards, The project has been successful since 2010.

In the reporting period, Georgian professors and teachers produced three textbooks on teaching methodology in criminal, civil, administrative, and constitutional laws. With IRZ's support, the texts books were sent to Germany for further comments provided by German professors working in a group format together with other German professors who previously visited Georgia. FLSE provided organization support to the professors.

For the moment, the textbooks are in the process of final editing which will be followed by a conference with the Georgian and German professors and teachers.

MASTERS OF LAW SCHOLARSHIP PROGRAM IN WESTERN GEORGIA

Under the financial support of the East-West Management Institute, FSLE started a three-year project *West Georgia Masters of Law Scholarship Program*. The project is implemented in the western Georgia such as Kutaisi and Batumi State universities.



Within the project, the FSLE selected 12 graduate students from the Kutaisi and Batumi State Universities through a competition. The selected students are receiving a scholarship for the full study course. According to the contract, students, on their part, are obliged to fulfill the assumed obligations including completion of an internship at Legal Aid Centers of GYLA's Kutaisi and Batumi offices, arrange public discussions on various issues of concern, prepare legislative initiatives, organize Sunday schools in civic education locally and 'debate clubs' on behalf of the Fund, etc.

It is clear that the present project is an excellent initiative for the benefit of students and education institutions located in the regions. Talented students with less privileged background can study towards the degree and acquire necessary practical skills. In addition, the scholarship program allows students to work in their own regions. Finally, the program is an additional incentive for the Kutaisi and Batumi State Universities to offer the highest possible standards of teaching at graduate degree level and motivate young people to attend university.

Within the scholarship project, the scholarship recipients were involved in the work of GYLA's Legal Aid Centers. They provided 498 pieces of legal advice, drafted 51 legal documents and lodged 12 enquires for public information from the relevant authorities. They also attended 15 trials and drafted five legislative proposals. Furthermore, the scholarship recipients organized five public discussions on the following topics: Georgia's integration in the North Atlantic Treaty Alliance, Georgian perspective to EU membership, jury trial in Georgia, alternative dispute resolution mechanisms and mediation, and positive and negative aspects of the State Strategy for Internally Displaced Persons. Discussions were held at the Akaki Tsereteli Kutaisi State University and the Democratic Involvement Center.

Number of students, professors and teachers, journalists, NGP representatives and lawyers attended the meetings. Field experts contributed to the discussions and meetings were broadcasted in the media.

Scholarship recipients organized ten seminars on various issues of concern at the Sunday school and the debate club. GYLA organized various following trainings to enhance professional development of law students:

- Problematic issues at the Administrative Offences Code of Georgia;
- Problematic issues at the Criminal Code of Georgia;
- Skills on Facilitation and Structured presentation.

During the reporting period, the scholarship program was fully launched at the Kutaisi State University, whilst at the Batumi State University, it started in September 2012.

INFORMATION CENTER

GYLA's law library attracts law students and other people interested in law.

The library is serving twenty to thirty people daily on average, majority of who are law students from various Universities as well from FSLE.

GYLA continues to replenish the library with newest books and other reading materials. Throughout the reporting year, the library received 110 pieces of purchased and donated publications.

The library consumers can both borrow books as well as use them at the library. Students also have access to internet and can use the comprehensive database of Georgia's normative acts 'Codex' which is updated regularly.



PUBLICATIONS

Throughout the reporting period, FSLE priority was to translate highly rated law books into the Georgian and to help Georgian authors produce and publish new textbooks.

Many Georgian legal textbooks lack structure and inconsistency and does not provide adequate skills necessary to a rise student's civic education based on liberal-democratic values.

With the financial support of GTZ, FSLE developed a practical law textbook for school pupils studying at final years of school. The textbook has several co-authors and aims to increase pupil's awareness on legal culture and rule of law. The textbook will also include some reviews on civil education and practical law and will be published in 2013.

During the reporting period, the FSLE continued working on another textbook 'Law of Education.' The textbook is designed to assist students in understanding issues related to legal regulation of general, vocational and high education. The textbook further aims to help students in developing skills of reasoned decision-making as well as ability to independently solve legal problems.

The textbook will be an asset for students as well as for lawyers involved in education. The textbook is planned for publication in 2013.

INTERNSHIP AT THE LEGAL AID CENTERS

GYLA's Legal Aid Centers in Tbilisi and seven regional offices strongly contribute towards enhancing the qualification of young lawyers and their professional skills. The Legal Aid Centers continues to maintain successfully functioning law clinics for law students and graduates.

The internship program, which has been open for the last six month recruited interns through merit based selection. During the internship period, students took part in drafting legal advice, drawing up various legal documents under the direction of experienced lawyers and represented clients' interests in the court together with their supervisors, participated in various trainings, etc.

During the reporting year, a total of eighty young lawyers were able to undergo internship at the Legal Aid Centers in Tbilisi and its seven regional offices.

FINANCIAL REPORT

Reporting period: 1 October 2011 – 1 November 2012

GYLA's financial report covers the period between its 18th and 19th General Assembly meetings. In this period, GYLA received grants, contributions and membership fees in 3,069,485.01 Lari. A breakdown of this total sum according to their sources is shown below:

ADRA	12,188.37 Lari
Australian Embassy	9,330.79 Lari
British Embassy	10,358.80 Lari
DRC	381,620.00 Lari
EWMI	657,834.13 Lari
FR NGDO	4,360.00 Lari
ICCN	3,053.83 Lari
IREX	479,936.20 Lari
NDI	145,077.45 Lari
NED	87,776.15 Lari
OSGF	229,242.51 Lari
OSI	360,658.08 Lari
SaferWorld	6,295.17 Lari
Sida	644,649.72 Lari
US Embassy	29,561.28 Lari
WFM-IGP	4,940.64 Lari

Membership fees

1,618.00 Lari

Contributions from individuals and legal entities

207.39 Lari

Miscellaneous income

776.50 Lari

During the reporting period, GYLA employed 172 individuals on single jobs, including 92 employees in the regions, whose total remuneration amount to 1,653,741.75 Lari. Lump sums in 232,692.28 Lari were issued to 347 persons.

The income tax withheld from the reimbursements, salaries and royalties of individuals and paid to the State Budget equals 396,182.00 Lari. During the reporting period, GYLA purchased material assets with a total value of 69,384.45 Lari, including various office equipments for our regional offices for 25,138.21 Lari.

GYLA spent 29,600.11 Lari to purchase various low-value office items, including 15,005.34 Lari for the regional offices.

Books and various periodicals were purchased for both the central and the regional offices for 5,110.98 Lari.

GYLA spent 117,830.67 Lari in organizing seminars and meetings in Tbilisi and in the regions. Money spent on business trips of the employees and members during the reporting period amounted to 260,464.63 Lari. GYLA's office rent fees equaled to 72,215.12 Lari.

GYLA's communications costs during the reporting period amounted to 79,990.66 Lari, whilst 24,051.33 Lari was spent by our regional offices.

In the reporting period, GYLA spent a total of 2,866,775.83 Lari, which is broken down by the sources below:

ADRA	6,024.15 Lari
British Embassy	10,409.37 Lari
DRC	93,268.43 Lari
EED	197,655.08 Lari
EHRAC	14,000.32 Lari
Europe Commission	100,959.55 Lari
EWMI	613,113.56 Lari
FR NGDO	4,360.00 Lari
ICCN	1,143.53 Lari
IREX	411,581.38 Lari
MAPT	107,005.33 Lari
NDI	89,213.56 Lari
NED	52,010.28 Lari
OSGF	156,365.51 Lari
OSI	361,923.37 Lari
RJI	99,897.65 Lari
SaferWorld	24,532.53 Lari
Sida	498,684.91 Lari
US Embassy	18,259.68 Lari
WFD	1,567.77 Lari
WFM-IGP	4,583.03 Lari

GYLA's own resources	216.84 Lari
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Georgian Young Lawyers' Association Summary Balance Sheet

As of November 1, 2012



	Nov 1, 2012
ASSETS	
Fixed Assets	843 207,68
Other Assets	2,000.00
Current Assets	
Accounts Receivable	2 147 746,49
Cash at bank and in hand	661 452,56
Total Current Assets	2 809 199,05
Current Liabilities	
Other Current Liabilities	9 062,65
Total Current Liabilities	9 062,65
 NET CURRENT ASSETS	 2 800 136,40
TOTAL ASSETS LESS CURRENT LIABILITIES	3 645 344,08
NET ASSETS	3 645 344,08
Equity	2 052 774,61

Executive Director:

G. Gogobidze

Accountant:

G. Gogobidze



GYLA GOVERNING BODIES

2012, November

THE BOARD MEMBERS

Tamar Chugoshvili – Chairwoman
Besarion Bokhashvili – Deputy Chairwoman
Besarion Abashidze
Nino Bakakuri
Ekaterine Gasitashvili
Giorgi Zedelashvili
Tamar Kordzaia
Kakha Kozhoridze
Nino Lezhava
Nino Lomjaria
Gagi Mosiashvili
Giorgi Mshvenieradze
Diana Zhgenti
Aleko Rukhadze
Nino Suknidze
Lela Taliuri
Tamar Kaldani
Giorgi Chkheidze
Lali Chkhetia
Khatuna Chitanava
Tamar Khidasheli

EXECUTIVE DIRECTOR

Ekaterine Popkhadze

HEADS OF REGIONAL OFFICES

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

Georgian Young Lawyers' Association

Tbilisi Office

15, J.Kakhidze str. 0102
Tel: + (995 32) 2936101 / 2952353
Fax: + (995 32) 2923211
E-mail: gyla@gyla.ge

Kutaisi Branch

11, Kostava str. 4600
Tel: + (995 431) 241192 / 246523
Fax: + (995 431) 214585
E-mail: kutaisi@gyla.ge

Adjara Branch

89, Gorgasali str. Batumi, 6000
Tel: + (995 422) 276668
Fax: + (995 422) 222950
E-mail: batumi@gyla.ge

Gori Office

19, Stalini str. 1400
Tel: + (995 370) 272646
Fax: + (995 370) 279842
E-mail: gori@gyla.ge

Rustavi Office

15 a/5, Kostava str. 3700
Tel: + (995 341) 255337
Fax: + (995 341) 240566
E-mail: rustavi@gyla.ge

Telavi Office

3, Barnovi str. 2200
Tel/Fax: + (995 350) 271371
E-mail: telavi@gyla.ge

Ozurgeti Office

25/10, Gabriel Episkoposi str. 3500
Tel/Fax: + (995 496) 273138
E-mail: ozurgeti@gyla.ge

Dusheti Office

29, Rustaveli str. 1810
Tel/Fax: + (995 346) 221554
E-mail: dusheti@gyla.ge