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# Rule of Law for Justice

Annual Report

2016



GYLA

საქართველოს იურისტთა ასოციაცია





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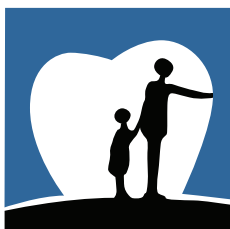


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Dear Members, staff members, colleagues and friends,

This is the last address to you in my capacity as Chair of the Georgian Young Lawyers' Association. Therefore, this is the time when I would like to thank you all: staff members first and foremost, Association members, and people outside the Association that are like-minded with us. Throughout the two years of my chairship you have done your utmost to make sure that the Association worked on towards accomplishing its mission with unabating zeal. We would not have achieved what we did without your help.

Throughout the 12 years of its existence GYLA has been committed to defending human rights and fundamental freedoms, raising legal awareness, civil society development and public monitoring of government agencies, which was how we contributed to building a jural state.



Those who have followed our activities for the past few years remember January 2006, when high-rank government officials along with a number of Association members censured GYLA. Although part of the censure was constructive, for which we are grateful, part of it was antagonistic and, therefore, undeserved.

GYLA's attitude to monitoring government agencies is critical yet benevolent. We are open to any criticism or suggestions, for there is nothing that can help advance one's professional as well as personal development better than constructive criticism.

Difficulties that we faced last year have not hindered the Association's development. On the contrary, the difficulties have galvanized us into stronger action.

In 2006, as before, GYLA's major priority was legal aid to the socially vulnerable. GYLA's legal aid statistics is indicative of the necessity to carry on providing the service.

GYLA's extensive campaign to defend independence of the judiciary deserves special notice. We stood up to provide legal aid and support to the judges who spoke up to protest the pressure that the authorities exerted on them. We informed both Georgian and international society of what was going on in the Georgian judiciary, participated in the public debate about the issue, and took a number of legislative initiatives to help advance the judiciary reform. Considering the importance of fair trial, independence of the judiciary will continue to be high on the Association's agenda.

Both the Association members and staff members have done their best to help reduce abuse of power by law-enforcement officials in the country. The efforts have proved to be successful. The success, among other things, was signaled by the decrease in the number of victims of special security operations. Fight against impunity of law-enforcement officials is one of our major priorities.

Georgian Young Lawyers' Association has been actively involved in anti-corruption monitoring of government agencies, which is very important to forming transparent and accountable government institutions. Our cooperation with Parliament of Georgia has also been very intensive: we have commented on different draft laws and come up with legislative initiatives throughout the period, which we will certainly carry on doing.

Thus last year GYLA reasserted itself as both an independent and competent organization. It is my hope that the successful experience that we have been able to accumulate for years now will help the Association both boost its activities and achieve its objectives.

Ana Dolidze

Georgian Young Lawyers' Association  
Chairwoman



GYLA

## Our Vision:

Georgian Young Lawyers' Association is a voluntary association of lawyers. We are united by a shared vision of the country's future and legal profession.

## Our Mission:

We feel called upon to help build a country, where the public are not spectators and have a legal awareness, where state institutions are transparent and accountable, where the rule of law rules and the government's power is circumscribed by human rights.

We strongly believe in the values that provided a solid foundation for our organization and strive to uphold them.

## Our Values:

Georgian Young Lawyers' Association is an organization grounded in liberal values, which are the guiding principles of all generations in the Association.

## We are guided by:

- Professionalism and professional ethics
- liberty and equality before the law
- transparency, participation and accountability
- consistency

## Our motto:

Rule of law for justice





## RAISING LEGAL AWARENESS

*Building a state based on democratic values is a lengthy process, rule of law being its cornerstone. Democratic values, however, have to be the cornerstone of the public awareness. It is a member of such a public that can be a guardian of his/her own rights and help build democracy day in, day out rather than be a spectator. Georgian Young Lawyers' Association is trying to help raise this kind of awareness.*

### Bus-tours and meetings with the wider public

To raise public legal awareness all of GYLA offices hold periodic public meetings, mobile legal aid consultations, press-conferences, prepare radio programmes, public service advertisements (PSA-s), produce different publications and supplements to newspapers, thus responding to a wide range of human rights violations.

#### *We are Coming to you*

Bus tours remain one of the successful activities in raising public legal awareness. During the reporting period within the framework of a project focusing on raising legal awareness, lawyers of the Association's Tbilisi and regional offices arranged 7 bus-tours in Dmanisi-Tsalka, Chokhatauri, mountainous Ajara, Signagi, Akhalkalaki, Ninotsminda, Samegrelo, Upper Svaneti and Borjomi-Bakuriani. They visited 67 villages and provided legal advice to 2500 people. Regional offices followed up the grievances that the recipients expressed, Telavi office helping eco-migrants in Signagi register their parcels of land and houses as their property, Kutaisi branch dealing with the problems of communal meters and rights of those living in the vicinity of a hydropower station, Rustavi office dealing with the rights of the minorities in Dmanisi and Tsalka.

GYLA's seminars, roundtables and visiting consultations attracted about 1000 people, representatives of NGO-s, media, local activists, practicing lawyers, prosecutors and judges. The meetings dealt with current legislative innovations, new self-governance, administrative proceedings, expected as well as effected amendments to the criminal law, local issues of current importance.

#### *Do you know about your rights?*

Based on the information provided by our legal aid centers we have produced: 15 brochures and booklets for wider public on the procedure and application to the court, electricity payment allowance, pensions, divorce, freedom of information – you have a right to know, request, participate (Georgian, Georgian-



Russian, Georgian-Armenian and Georgian-Azerbaijani).  
 insets to regional newspapers: Spectri, Khalkhis Gazeti  
 Radio programmes in Gori, Kutaisi and Telavi, basically on new self-governance legislation

### ***Public Service Advertisements (PSA-s)***

In June 2006 within the framework of a European Commission funded project GYLA advertised a competition to select PSA scenarios on presumption of innocence, right to life: excessive force used by law-enforcement officials, and rights of juveniles in detention. Out of 40 interesting scenarios 4 were selected. The competition was intended to help raise public legal awareness as well. On December 13, 2006 within the framework of a human rights campaign the PSA-s were presented to the public, later aired on public and commercial TV channels. It is noteworthy that the PSA-s themselves attracted TV coverage.



### ***Gearing Public Opinion towards Human Rights Protection in 2006***

In 2006 GYLA organized many different activities to draw public attention to human rights abuses. We also participated in a number of coalition activities in 2006.

March 17 -- a coalition of NGO-s staged a protest (Signal of Life) against partial investigation into Sandro Girgvliani's death and excess use of force by law-enforcement bodies.



May 20 – GYLA marked the 7th anniversary of the Convention for the Protection of Human Rights and Fundamental Freedoms in an event called Leave your Mark dedicated to the right to life. Young participants in white masks in Rustaveli Avenue in Tbilisi and Aghmashenebeli Square in Kutaisi were telling the passers-by about the provisions of the Convention that guarantee right to life.

The event was interactive: everyone could express his/her will to protect the right to life by leaving his/her handprint. The event was joined by the other regional GYLA offices that organized radio programmes, lessons for schoolchildren on the

problem and round-table meetings. On May 12, 2006 GYLA's Ajara branch together with other NGO-s planted 30 trees in Batumi Maritime Park, where a square of life is going to be built.

GYLA marked the international human rights day and organized a human rights week on December 10-19, with one event held each day.

On the international human rights day (December 10) Giorgi Chkheidze, Chairman of the Association's board and Sozar Subari, Public Defender of Georgia, opened a human rights monument in the courtyard of the Public Defender's Office.

Human Rights Tree is the name of a sculpture that Guga Kotetishvili, a painter, created to mark the international human rights day. The tree is inscribed with the fundamental human rights.

It was Georgian Young Lawyers' Association that gave rise to marking the international human rights day with a human rights week in 2005.

On December 10, 2005 Georgian Young Lawyers' Association staged a theatrical performance in front of the Prosecutor-General's Office to play the victims whose inviolable rights guaranteed in the Declaration are violated.

GYLA's staff members and scores of volunteers formed a live chain round the Prosecutor-General's Office after the performance.



Throughout 2006 GYLA organized many different press-conferences and events to convey impartial information to the public on its current projects, successes, reports and human rights violations in the country.

In January 2006 an NGO coalition Civic Society for Democratic Georgia was set up to counter attacks by civil servants against GYLA in an attempt to consolidate NGO-s round the necessity of building democracy in the country. The coalition is comprised of 12 members. The coalition has hosted a number of different conferences



and events, where the members expressed their views of the troublesome developments in the country. In June 2006 the coalition organized a congress of NGO-s with more than 300 organizations participating in it. The congress adopted a declaration criticizing the state of protecting human rights and the rule of law and expressing its readiness to support democratic developments in the country. The declaration was published in the press and sent to all major government agencies.

### *Millenium Development Goals on the Agenda*

GYLA carried out its biggest public legal awareness campaign within the framework of a coalition project Millennium Development Goals on the Agenda. The project aims at influencing the government into decreasing the number of those living in abject poverty and child as well as maternal mortality across the country.

To achieve the end, the project intends to raise public legal awareness and gear the NGO sector towards pushing the government into forming an effective public policy to implement millennium development goals. The project is funded by Oxfam Novib and Oxfam Great Britain in conjunction with Georgian Young Economists' Association and Welfare Foundation that are our partners.

On June 1, 2006, international children's day, Future without Poverty, a civic alliance, organized a white band day. GYLA's celebrations of the day were held simultaneously in Tbilisi and Kutaisi.

Volunteers distributed information leaflets that were designed for the purpose to the people in the streets. The event culminated in 1000 helium-blown balloons with a millennium card listing millennium development goals attached to each of them released into the sky. The card directed children to send it back to GYLA to receive one of 50 awards. Kutaisi Children's Theatre staged a fairy tale based on the Convention of Children's Rights dedicated to the Children's day in David Aghmashenebeli Park, with 300 children and juveniles attending the performance. GYLA volunteers distributed 200 leaflets to the public and released 500 balloons with the millennium cards into the sky.

By 30 September 2006 GYLA received 39 cards from Tbilisi, Gori, Tskhinvali, Kareli, Kutaisi, Baghdadi,



Tskhaltubo, Poti, Mtskheta and Martvili, the award ceremony held on 8 October 2006. The winning schoolchildren were awarded books and toys.

At the award ceremony GYLA presented its millennium sketch for children to fill in, which was an illustrated fairy tale about 8 millennium development goals, for children and their parents to read. The last page of the sketch had a card to be filled in and returned back to GYLA. Fifty senders from the most remote regions were awarded on March 3, 2007, the Mother's Day.

Both the events aimed at conveying the information on millennium development goals to the youngest members of the public and their families in an original manner and involve them in the global campaign against poverty.

და იუროსტოპია ასოციაცია



GYLA

## Legal Aid, Strategic Litigation, Helping Build a State Legal Aid System

In the first half of 2006 GYLA implemented an Open Society-Georgia Foundation funded legal aid reform project, which aimed at helping build a state legal aid system. Throughout the reporting period GYLA continued to intensively work on drafting the legal aid law.

It was GYLA that took the initiative in reforming the Georgian legal aid system and enthusiastically participated in the process in conjunction with the Ministry of Justice and Open Society-Georgia Foundation.

Providing legal aid to socially vulnerable people is the responsibility of the state, which was virtually impossible to realize without the appropriate system or strategy, or proper financing.

In April 2005 a Decree of the Minister of Justice set up a state legal aid service in Tbilisi (Gldani-Nadzaladevi) and two territorial units in Zestaponi as part of a model of a pilot legal aid project.

### *Legal Aid and Strategic Litigation*

*All the eight GYLA offices were providing legal aid throughout the reporting period. The number of applicants was steadily increasing. The number of consultations increased twofold, as compared to that in the previous years.*

Offices	Telephone	Individual consultations	Visiting consultations	Online consultations	Total
Tbilisi	7663	10651	282	152	18748
Kutaisi	6141	8725	3228	216	18310
Gori	1698	8599	2129	0	12426
Rustavi	2659	2702	601	0	5962
Ozurgeti	194	2694	497	0	3385
Telavi	299	2667	860	0	3826
Ajara	431	2610	0	0	3041
Dusheti	364	395	192	0	951
<b>Total</b>	<b>19449</b>	<b>39043</b>	<b>7789</b>	<b>368</b>	<b>66649</b>

Apart from providing legal advice, our legal aid offices help applicants draw legal documents (applications, lawsuits, counter-petitions, petitions, appeals, etc.).



Offices	Tbilisi	Ajara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Number of Documents produced in response to requests by legal aid recipients	644	113	294	596	281	318	134	108	2488

The format of visiting consultations changed over the reporting period. On visiting a region GYLA’s lawyers examined legal problems there, which they then revisited to render effective legal aid to the locals.

*Lawyer’s Service*

GYLA’s legal aid centres continued to provide legal aid to people in criminal, civic and administrative proceedings. We provide legal aid to those who cannot afford private legal service.

Our target groups are:

- internally displaced persons
- victims of domestic violence
- juveniles
- representatives of minorities
- lone elders
- single mothers
- people of limited capabilities (invalids, etc)
- mothers of large families



We attach a particular importance to prompt response to human rights violations and helping establish the best practices. Therefore, we help applicants in strategic cases when their fundamental rights are violated irrespective of whether they can afford lawyer’s service.

In 2006 GYLA offices had 325 cases in total in civil/criminal, administrative and investigative proceedings, of which 78 were won.

	Tbilisi	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Ajara	Dusheti	Total
Administrative Cases	37	7	0	8	14	16	2	3	87
Criminal Cases	52	3	3	8	3	7	13	2	91
Civil Cases	26	3	2	3	5	9	2	19	69
Cases Won	29	4	2	9	3	5	6	20	78
Total	144	13	5	19	22	32	17	24	325

### *Successful administrative cases*

GYLA's active involvement made it possible:

- for the students of the Georgian Technical University to receive appendices to their diplomas complying with the applicable standards;
- for T and E Tsintsadze to be paid GEL 95 000 in compensation for the moral and material damage by the Ministry of Education and Science of Georgia;
- to successfully argue a pension perk case;
- to amend the original record of an adopted child;
- to obtain an injunction to protect a domestic violence victim;
- for a number of individuals to receive compensation for the unharvested crops and damage to their parcels of land caused by laying a segment of Baku-Tbilisi-Ceyhan pipeline.

### *Successful Criminal Cases*

#### Case of NL

bring those involved in burgling NL's family house to justice

#### Case of KM

KM was sentenced to 18 months in prison instead of 5 years in prison petitioned for by the counsel for prosecution

#### Case of EG (Ozurgheti)

EG was released after a plea bargain had been arranged and GEL 500 had been paid in fines

#### Case of Eter Chumburidze

Case against Eter Chumburidze suspended in view of no corpus delicti against her.

#### Case of Pawnshop

Five employees of a pawnshop were given back their confiscated mobile phones.

#### Case of MR (Batumi)

MR was under physical and mental pressure from her husband and father-in-law. GYLA had its petition for bringing the violators to justice granted.

#### Case of GT

GT, Head of Division against Drug Trafficking of Dmanisi Department of the Ministry of the Interior, was fully acquitted.

#### Case of AK

GYLA had its petition for coercive medical treatment of the indictee granted. The indictee was sent to Poti for medical treatment.

#### Case of GB

GYLA had its petition for bail granted.

#### Case of VP

GYLA successfully argued a thirty month sentence for VP instead of 6-12 year sentence required by the Article brought against him.

#### Case of AG

After a plea bargain had been arranged, a three-year conditional sentence was returned against AG.

#### Case of Saba Tsitsakishvili

Attacker of Saba Tsitsakishvili, journalist, was sentenced to 10 years in prison of high security.

#### Case of Revaz Tsalani (GYLA Kutaisi Affiliate)

Following completion of a preliminary investigation into Revaz Tsalani's beating, two



policemen were charged, one of them being head of the police division.

#### Case of Tsiala Shanava

Tsiala Shanava was admitted as assignee of Zurab Vazagashvili, her son, killed in a special operation.

#### Case of AG

AG was found to be the aggrieved in the case.

#### Case of OZ

Investigator who had a personal interest in the case was refused.

### *Civil Cases*

GYLA has won:

- 7 cases of divorce and alimony
- 1 case of inappropriate heir
- 1 case of removing the common right to property
- 1 case of admitting the applicant incapable and making amends for moral damage

Apart from this, 26 of GYLA's lawsuits were being examined at different stages of proceedings in 2006.

### *Successful cases by GYLA's Regional Offices*

#### *Kutaisi Branch*

Policemen were arraigned of torture of Shalva, Guram and David Zhorzholiani and sentenced to imprisonment.

Parents of R. Kiziria, A. Babukhadia and N. Bendeliani were admitted as assignees of their sons, killed in a special operation.

Criminal proceedings against VA, who was charged with shunning military service, suspended.

#### *Telavi Office*

NC was fined GEL 4623 by the Tax Inspectorate. NC's petition was partially granted, his fine decreased to GEL 562.

Consumers against Kakheti Energy Distribution, a Joint Stock Company GYLA's Telavi Office asked the Consumer Protection Department of the Georgian Energy Regulation Commission to hold an enquiry into the violations of consumer rights by the company, viz., charging the consumers using communal meters at a higher tariff and take measures as required by the applicable law. Georgian Energy Regulation Commission found in favor of the consumers and requested Kakheti Energy Distribution to charge its consumers at a tariff required by the applicable law and deduct the cost of meters illegally charged to the consumers from electricity bills.

AO, arraigned of crime punishable by Para 10f Article 151 of the Penal Code, was eventually charged with a duty to report to the authorities when requested instead of being released on bail as requested by the counsel for prosecution.

#### *Ajara Branch*

GYLA's Ajara Branch successfully argued settling up bonus arrears of the employees of Batumi Department of Education and paying them for their length of service in years. Batumi Municipality was directed to settle up the applicants' bonus arrears and pay them for their length of service in years.

#### *Gori Office*

TK, a victim of domestic violence, suffered physical and verbal abuse by her husband. Gori office successfully argued for the applicant's divorce and monthly alimony of GEL 50 to be paid to her by her husband.

GT was charged with crime punishable by

Article 276 of the Penal Code. We successfully argued for a one-year conditional sentence instead of a two-year sentence and fine of GEL 2000 requested by the counsel for prosecution.

### ***Rustavi Office***

Rustavi Office requested information on the service life of a bridge spanning the river (right and left embankments) from the local self-government. The request was not granted even though the information was to be publicly accessible. The applicant requested Rustavi Municipality to set up a commission to ascertain service life of the bridge. Rustavi Office filed a lawsuit against the local self-government and the court directed the latter to provide the information to the enquirer.

### ***Dusheti Office***

Dusheti Office successfully argued for reimbursing VC for construction expenses by Ananuri Sakrebulo (local council, lowest tier legislature in Georgia. – Translator).

## ***Strategic Litigation***

### ***Constitutional lawsuits***

- Vakhtang Masurashvili and Onise Mebonia, Georgian citizens, versus Parliament of Georgia

The applicants were demanding that Para 6-7 of Article 208 of the Georgian Code of Penal Procedure and Para 5-6 of Article 212 of the Code of Civil Procedure should be ruled unconstitutional. The contested provisions allowed the court to fine a participant in the proceedings for gross contempt of court or sentence him/her to 30 days in prison, which was not reversible. The Constitutional Court of Georgia partially granted the lawsuit, having ruled unconstitutional Para 7 of Article 208 of the Georgian Code of Penal Procedure and part of Para 6 of Article 212 of the Code of Civil Procedure that makes a decision on imprisonment for gross

contempt of court irreversible.

- Georgian Young Lawyers' Association and Ekaterine Lomtadze versus Parliament of Georgia

On November 14, 2006 the Constitutional Court of Georgia admitted a lawsuit for judgment of merits by GYLA and Ekaterine Lomtadze demanding that Para 2 of Article 9 of the Law of Operative Investigative Measures should be ruled unconstitutional. Article 20 of the Constitution of Georgia allows for limiting the right to inviolability of private life with a prior judicial warrant or in case of urgent need. The contested provision of the law, however, allowed an authorized official to apply a restrictive operative investigative measure without a prior judicial warrant and under the circumstances that do not fall within the ambit of urgent need.

- Georgian Young Lawyers' Association versus Parliament of Georgia

On November 4, 2006 the Constitutional Court of Georgia admitted our lawsuit for judgment of merits against the definition of tax secret as articulated in Para 1 of Article 122 of the Georgian Tax Code and a number of provisions of the Tax Code related to tax secrets, viz., Sub-Para N of Para 1 of Article 39, Para 7 of Article 101, Sub-Para Z of Para 1 of Article 52. The contested provisions prohibit tax inspectorates to convey information to the public, even when the information contains no state, commercial or professional secret, which contradicts Article 41 of the Georgian Constitution.

### ***Representation in the European Court of Human Rights***

There was a growing interest in the ECHR procedures throughout the reporting period. GYLA received 161 applications for legal aid, with six lawsuits filed with the ECHR.

## 1. Kiladze versus Georgia

Klaus and Yuri Kiladze, the applicants, are victims of political repressions. Their father was unlawfully convicted in 1937-1938, while their mother was sent into exile to the extreme North. The convictions of the applicants' father and mother were annulled in 1957 and 1956 respectively, and they were rehabilitated. The applicants were consigned to an Orphanage and stayed there for two years.

In 1998 the court admitted the applicants and their parents as victims of political repressions. In 2005 they petitioned for compensation in conformity with the law of Admitting Victims of Political Repressions and their Social Protection. The applicants' petition was declined by the courts of all instances, which was explained by the lack of a law regulating administration of the compensation.

The applicants believe that Article 1 of the First Additional Protocol of the Convention for the Protection of Human Rights and Fundamental Freedoms (property rights) and Article 13 taken in conjunction with Article 1 of the First Additional Protocol (effective measures) have been breached in their case.

The application was filed with the European Court of Human Rights on February 22, 2006 and given a priority treatment on March 27, 2006.

## 2. Aladin Makaridze versus Georgia

Aladin Makaridze, a so-called Turkish-Meskhetian, is a victim of political repression. The applicant's mother was exiled to Kyrgyzstan. The applicant was born in exile and lived with his parents in Kyrgyzstan. Georgian citizenship was restored to him by a decree of President of Georgia, following which he petitioned Akhaltsikhe Court for the status of political victim, which was declined by Akhaltsikhe Court as well as courts of higher instances in view of his mother being exiled as a representative of an ethnic group, which was why the law of Admitting Victims of Political Repressions and their Social Protection did not apply to him. Article 3 of the law provides that the law is not applicable to representatives of ethnic groups, deported from Georgia from February 25, 1921 to 28 October 1990, their rehabilitation procedure to be identified separately.

GYLA helped the applicant in petitioning the Constitutional Court of Georgia for ruling the provision unconstitutional. Although the Constitutional Court did not admit the lawsuit for judgment of merits, it referred to its reasons for judgment of February 9, 2005 providing that: "the contested provision is to apply to all Georgian citizens that suffered political repressions, irrespective of their ethnic origin."

The application focuses on the breach of Article 3 of the European Convention (inhuman treatment), Article 1 of the First Additional Protocol of the Convention (property rights) and Article 13 (effective domestic measures) and Article 14 (prohibition of discrimination).

## 3. Tsintsabadze versus Georgia

Z. Tsintsabadze, prisoner in Khoni #9 high security prison, was found hanged on 30 September 2005. Preliminary investigation into the case was suspended in view of no corpus delicti found and the case was dismissed as suicide. No substantial investigation has been carried out, which is necessary to follow

the required procedure and identify the culprit. Nor has the investigation ascertained the exact time of the prisoner's demise. There are discrepancies among the witnesses' testimonies. There are two expert reports in the casefile that differ from each other. In his decision on suspending the investigation, which was premature, the investigator twists the facts in the witness testimonies in a way as to justify the version of suicide. The preliminary investigation was not long enough to be effective. The shortcomings constitute a breach of Article 2 (right to life) of the European Convention.

#### **4. Maria Sari versus Russia**

On August 14 2003 the applicant asked the Pension Fund of Russia to grant a pension to her. The Pension Fund let her know that granting pensions to the nationals of Russia that went to live in Georgia was regulated by the Agreement between Georgia and Russia on Guaranteeing the Right to Pension, which stipulates that nationals of the Russian Federation and Georgia and their family members are granted pensions in pursuance of the legislation of the country where they reside permanently. Thus Pension Fund of Russia declined the applicant's request referring to the fact that Russian legislation did not apply to her.

The applicant believes that the denial constitutes a violation of Para 1 of Article 1 of the first Additional Protocol and Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms taken in conjunction with Article 1.

On November 24, 2006 the case was lodged with the European Court of Human Rights.

#### **5. Georgian citizens deported from Russian Federation against Russia**

In September 2006 Russian authorities started mass deportation of Georgian citizens from Russia. GYLA declared of its readiness to help the deportees lodge individual applications with the European Court of Human Rights at a press-conference. We obtained contact details of the deportees and contacted them. We then selected 14 Georgian citizens that were legally residing in Russia (had valid visas, residential registration, etc) but had been deported nevertheless. GYLA contacted a number of agencies and people to obtain information on the mass deportation: Prime-Minister, Consular Department of the Ministry of Foreign Affairs of Georgia, Embassy of Russian Federation to Georgia, Memorial, a Russian NGO, which let us collect the evidence necessary for us to lodge the application with the European Court of Human Rights. The application has already been lodged with the ECHR.

#### **6. Irakli Kakabadze end other 4 versus Georgia**

On June 29 2006 Irakli Kakabadze, Lasha Chkhartishvili, Jaba Jishkariani, Zurab Rtveliashvili and Davit Dalakishvili of the Institute of Equality were expressing their political views out loud. They were calling on Tbilisi Court of Appeal with a megaphone to hold a fair trial of Shalva Ramishvili and Davit Kokhreidze, founders of 202 TV channel and acquit them. Chairperson of the court sentenced the protesters to 30 days in prison without a hearing pursuant to Article 208 of the Georgian Code of Penal Procedure, with neither the applicants nor their lawyers present at the session. Moreover, pursuant to Para 7 of Article 208 of the Georgian Code of Penal Procedure the sentence for contempt of court is

irreversible.

GYLA had the applicants lodge an application with the ECHR for breach of Article 5.1., 5.2., 5.3. 5.4., 5.5, Sub-Para C of Article 6.3., 10, 11, as well as Article 2 of Protocol 7 on 29 December 2006.

### *Cooperation with European Human Rights Advocacy Centre (EHRAC)*

GYLA has been cooperating with the European Human Rights Advocacy Centre, a British organization, since March 2006, which is a new development in our dealing with the ECHR. The ECHR applications are put together with the consultation of Bill Bowring of EHRAC, a British Professor, and Philip Leach, Director of EHRAC and Senior Lecturer at London Metropolitan University. They both are lawyers specializing in human rights.

GYLA is cooperating with the EHRAC within the framework of a joint project:

On April 19-20 we held a seminar on lodging a case with the ECHR for 22 practicing lawyers of different NGO-s and the State Legal Aid Service. GYLA put together the agenda based on the suggestions that the participants detailed in the questionnaires that they had been asked to fill in earlier. The seminar was conducted by Bill Bowring of the EHRAC, a British Professor and Philip Leach, Director of the EHRAC and Senior Lecturer at London Metropolitan University. The most notable outcome of the training is that now the participating lawyers can easily identify potential ECHR cases.

In October 2006 our joint project coordinator and one of our lawyers participated in a two-week EHRAC-organized training in advocacy skills (human rights) held in London.

Within the framework of the joint project we had ECHR judgments/decisions against Georgia translated into Georgian as well as judgments on jurisdiction, articles on rights guaranteed by the European Convention and the ECHR practice, a number of chapters of Taking a Case to the European Court of Human Rights by Philip Leach, which deals with admissibility of application. The material was then uploaded to GYLA's website, being now accessible for practicing lawyers and students.



## No to Trafficking in Persons! (NOTIP)

GYLA has been implementing No to Trafficking in Persons, an anti-trafficking project, with the support by the United States Development Agency (USAID) since October 2005. The project aims at raising legal awareness, legal aid, lobbying, and introducing special education for the purpose.

### Legislation:

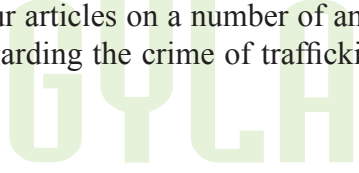
One of the most notable outcomes of GYLA's anti-trafficking efforts is the Law on Combating Trafficking, which sets out organizational as well as legal aspects of fight against trafficking, the victims' social security and legal protection, responsibilities of the relevant state agencies, etc.



1. The project focuses on assisting implementation of the Anti-trafficking Action Plan. GYLA became a member of the Interagency Anti-trafficking Coordination Council, which member state agencies apprise of what they did over the reporting period to implement the action plan. The project gathers and examines information on the progress of implementation and develops recommendations as to implementation of the action plan. Within the framework of the project GYLA helped develop 2007-2008 anti-trafficking action plan.
2. To effectively implement the project, GYLA is cooperating with the Provisional Interagency Antitrafficking Commission, Prosecutor-General's Office, Anti-trafficking Fund, different ministries and departments, NGO-s and international organizations involved in the fight against trafficking.
3. Within the framework of the project GYLA held two trainings for judges and five trainings for the Department for Border Defence and Tbilisi Airport staff on amendments to anti-trafficking legislation and experience fighting human trafficking in foreign countries. The trainings were held in Tbilisi and Batumi, attended by 55 participants (34 men, 21 women) from Rustavi, Kutaisi and Batumi.
4. To raise public anti-trafficking awareness, GYLA:



- held an anti-trafficking posters competition throughout the country as well as an anti-trafficking exhibition. The winning authors were awarded certificates and prizes. The winning posters were used during the project campaign;
- produced 6 anti-trafficking radio clips, which were broadcast for four months on Radio Imedi and Public Radio;
- had a popular TV programme Taboo on Mze TV channel address the problem of trafficking, with all the involved NGO-s and government agencies participating in it. The programme was aired twice;
- published and distributed free No to Trafficking, an information booklet, in Russian and Georgian. The booklet details the crime of trafficking and its consequences, listing the rights and responsibilities of the victim and steps to anticipate falling victim to trafficking, as well as hotlines, contact details of Georgian consulates and embassies abroad as well as those of NGO-s and government agencies that are involved in fighting trafficking outside the country. We also set up stands in Tbilisi Airport, Sarpi and Vale border check points to display the booklets. The booklets were distributed to the Agency of Civil Registry of the Ministry of Justice and other organizations involved in the fight against trafficking;
- used the winning posters to publish placards, cards, calendars, which were widely distributed to people, anti-trafficking organizations, consulates and embassies in Georgia;
- was disseminating information on the trafficking threats, distributing cards with the Association’s hotlines and anti-trafficking messages throughout the holiday season in Ajara. The campaign was broadcast on TV;
- produced 5 anti-trafficking TV clips, which are aired from November 2006;
- produced badges with anti-trafficking messages and GYLA’s anti-trafficking hotlines and distributed them to elder high schoolchildren across the country;
- advertised a competition on what is trafficking, how it came about, how to fight it for elder high schoolchildren. Out of about 260 participants GYLA selected 10 winners, who were awarded prizes and certificates;
- cooperated with the mass media: our articles on a number of anti-trafficking issues were published in the press, and our interviews regarding the crime of trafficking were broadcast on both TV and radio.



5. Legal Aid to the victims of trafficking: Tbilisi and Batumi legal aid centres provided legal aid to both trafficking victims and those that were to leave Georgia to study or work abroad and wished to have their contracts or terms of employment/study examined. The legal aid was provided to 81 recipients altogether (3 men, 78 women).

In September 2006 GYLA's lawyers started to defend certain D.R.'s interests, a victim of trafficking. On December 12, 2006 Tbilisi Criminal Court sentenced M. Chkhikvadze, the accused, to 11 years in prison.

In September 2006 GYLA took on a case of a trafficking victim (M.K., R.S.) at the stage of a preliminary investigation. GYLA requested information on the indictee's property and its location from Tbilisi Registry of the State Civil Registry Agency, Ministry of Justice, which was used to draw a civil lawsuit. On November 2, 2006 the criminal case was referred to Rustavi City Court.

GYLA's lawyer has been defending L.I.'s interests, a trafficking victim, at the preliminary investigation since October 2006.

In October 2006 Tbilisi City Court asked GYLA to provide legal aid to K.B. and O.S., trafficking victims. The lawsuit commenced in December 2006.

GYLA has been defending J.I., a trafficking victim, at the stage of a preliminary investigation. The victim was placed in the asylum for trafficking victims.

6. To help ensure a better protection of trafficking victims GYLA:

- set up a hotline in Batumi to provide telephone consultations to them. The hotline can be accessed by anyone free of charge across the country;
- staffed and equipped the asylum, which now has its own regulations and a template of contract between the asylum dwellers and the administration.

7. Within the framework of the project we monitor status of trafficking cases, requesting and later processing trafficking statistics to assess the government's investigation into the cases.

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## Preventing Domestic Violence

GYLA implemented two domestic violence projects over the reporting period funded by ABA/CEELI and World Learning. The projects aimed at raising awareness of domestic violence, lobbying, and advocating changes to the government's policy and monitoring status of domestic violence cases.

In conjunction with a number of NGO-s and government agencies GYLA put together 2006-2008 action plan to address the problem based on the Law of Georgia on Combating Domestic Violence, Protection of and Support to Victims of the Violence. The action plan is a very important tool in preventing domestic violence, as it lists the responsibilities of government agencies for preventing the practice. According to the Law of Georgia on Combating Domestic Violence, Protection of and Support to Victims of the Violence the government is to approve the relevant action plan in 4 months after the law is published.

The major project achievement is drafting a final version of the Law on Combating Domestic Violence, Protection of and Support to Victims of the Violence and voting it into law by Parliament on 25 May 2006. Another project achievement is developing 2006-2008 action plan for preventing domestic violence.

Within the framework of the project we monitored domestic violence cases in Tbilisi and Kutaisi. We asked the involved government agencies to provide us with the statistics. Monitoring, however, was done before the Law on Combating Domestic Violence, Protection of and Support to Victims of the Violence had been adopted, when there was no definition of domestic violence and law-enforcement bodies did not collect the statistics. As was expected, the monitoring did not give us a realistic picture of the practice due to the scanty statistics. The monitoring findings were published in a leaflet and distributed.

Within the framework of the project, we developed a training module which was used for the training and roundtable meetings of the judges. We held three trainings for the judges (Kutaisi, Gori, Tbilisi), two roundtable meetings and four working meetings with NGO-s, with a number of MP-s participating in them.

The roundtable meetings discussed the Law on Combating Domestic Violence, Protection of and Support to Victims of the Violence and 2006-2008 draft action plan, comments and suggestions. We put together Domestic Violence, a manual that addresses domestic violence as a problem and examines the relevant experience in other countries. The manual was typeset and made up with the support by World Learning and published in 500 copies with the support by ABA/CEELI. After the book had been published we held 10 one-day trainings in Tbilisi, Gori, Kutaisi and Batumi according to a special training module including all aspects of domestic violence, which was developed in advance.





Within the framework of the project we provided legal aid to the victims of domestic violence, which involved both legal advice and representation in court.

We held 6 trainings on domestic violence for 104 journalists. Having completed the trainings they wrote on the problem and produced TV/radio programmes. Thus the problem began to be openly discussed, which, in fact, was the aim of the project.

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## Effective, Transparent and Accountable Governance

*GYLA's anticorruption activities to help build effective, transparent and accountable governance were carried out within a number of projects*

### *Election Monitoring*

Since GYLA was established in 1994, it has been intensively involved in monitoring elections at different levels. On October 5 2006 GYLA was monitoring elections within the framework of two of its projects, viz., Local Elections in Georgia: Fair Play and Observer Mission on the Day of 2006 Local Elections.

#### *Local Elections in Georgia: Fair Play*

Donor: National Endowment for democracy

Started in September 2006

The project was implemented in Tbilisi and regional centres, where GYLA's has its offices, viz., Telavi, Rustavi, Dusheti, Gori, Ozurgeti, Kutaisi and Batumi.

The project aimed at helping amend the electoral law and enhance transparency of electoral campaign through:

- *Trainings for Journalists*

We have held four trainings for journalists in electronic and print media throughout the country. The trainings focused on local self-governance and electoral procedures and journalists' rights. The training participants were provided with information on GYLA's regional offices so that they were able to receive legal advice during the period of elections.

- *Monitoring Electoral Campaign*

Tbilisi Monitoring group included media-monitors based in the central office that monitored a number of the central and regional media. In the capital GYLA acted as observer at meetings that were held as part of both direct and indirect electoral campaign.

GYLA monitored elections in seven regional centres, viz., Telavi, Dusheti, Rustavi, Gori, Kutaisi, Ozurgeti and Batumi. GYLA's lawyers of regional offices monitored the local media's coverage of the electoral campaign and events that were part of direct/indirect electoral campaign organized by both the local government and other political actors.

We detailed findings of the monitoring in a special report that was distributed to the electoral administration, political actors, non-governmental and international organizations, viz.,

- Cooperation with local electoral administration, political actors and mass-media;
- Buildings used in the electoral campaign, schedule of electoral campaign activities;

- Participation by central and local government officials in the electoral campaign;
- Use of administrative resource in conducting the electoral campaign;
- Possible cases of bribing voters;
- Media support for the electoral campaign;
- Violations in electoral campaign in the media.

### ***Pressure on/intimidation of GYLA's staff***

On September 20 Lela Bekauri, a lawyer of GYLA's Rustavi Office, while on her monitoring mission witnessed representatives of Lela Aptsiauri, a majoritarian candidate, bribing a voter in her electoral headquarters into voting for her by a free electricity voucher, to be covered by the candidate's electoral fund. The violation was brought to the public attention by Lela Bekauri, a member of the monitoring group, at a press-conference on September 21 in GYLA's Rustavi Office. On her return home after the press-conference Lela Bekauri received death threats on the phone. Although the local police was informed of the threats immediately, the investigation into the fact started only on October 20, 2006.

### ***Public Service Advertisements***

Within the framework of the project GYLA produced:

a public service advertisement concerning the limitations on participation by civil servants and use of administrative resource in the electoral campaign. The PSA-s were aired on Rustavi 2, Imedi, Public Broadcaster and Ajara TV channels;

a public service advertisement, which listed electoral hotlines of GYLA's offices for voters to report violations of the electoral law and receive legal advice as to what to do.

### ***Examining Electoral law***

#### ***Monitoring Central Electoral Commission***

- Within the framework of the project we started to examine the electoral law for its compliance with international standards and develop relevant recommendations.
- During the electoral campaign GYLA sued Central Electoral Commission on a



number of occasions for its illegal decisions.

- GYLA had the Central Electoral Commission take a decision (#37/2006), which identified a procedure for internally displaced persons to follow to participate in the elections.

### ***Litigation within the Framework of the Project***

GYLA petitioned for partial rescission of Decision #32 of September 11, 2006 by the Central Electoral Commission on Identifying Certain Electoral Procedures for Local Self-Governance (Local Councils) Elections of October 5, 2006, viz., the provisions that allowed Chairman of the Central Electoral Commission to refuse a majoritarian candidate a right to stand for election. The petition referred to the Electoral Code, which allowed the Central Electoral Commission alone to refuse a candidate his/her right to stand for election.

On September 15, 2006 Tbilisi City Court granted the petition, which the Central Electoral Commission did not appeal against.

GYLA petitioned for partial rescission of Order #200 of 14 September 2006 by the Central Electoral Commission, which violated the law where it registered party lists of the National Ideology Party and the National Movement. The contested lists had majoritarian candidates who had not been nominated as such in any of the constituencies in violation of the electoral requirements. The order by the Central Electoral Commission violated Article 126.3 of the Electoral Code, which stipulates that party lists should be comprised of candidates nominated for majoritarian ballot. Tbilisi City Court found our petition inadmissible. GYLA appealed against the decision to Tbilisi Court of Appeals, which granted the appeal and referred the case back to Tbilisi City Court. On September 24, 2006 Tbilisi City Court held against the lawsuit. GYLA appealed against the decision to Tbilisi Court of Appeals again, which upheld Tbilisi City Court decision on September 28, 2006.

On October 12, 2006 GYLA petitioned for partial rescission of Presidential Decree #592 of October 20, 2006 on convening the first session of Tbilisi, Batumi and Rustavi Local Councils. We maintained that the session of the local councils should have been convened before contenders had submitted reports detailing their election spending. Failure to report to the Central Electoral Commission may have serious legal consequences: in case a contender that obtained a certain number of votes fails to report to the Central Electoral Commission, the latter may cancel the votes that the contender received. President of Georgia, however, issued the decree after seven days the ballot count had been completed, when contenders had not reported to the Central Electoral Commission. On October 20, 2006 the court declared our lawsuit inadmissible, which made it possible for the local councils to start functioning.

### ***Observer Mission on the Day of 2006 Local Elections***

GYLA carried out a limited observer mission on the day of the local elections in 2006 in Tbilisi, Kutaisi and Batumi.

Project funded by: Germany, the United Kingdom, the Netherlands, the EU.

The mission consisted in:

- observing elections at polling stations in Tbilisi (80 polling stations) and Batumi (28 polling stations);
- observing elections throughout constituencies;

observing elections at polling stations through mobile groups.

In September 2006 GYLA's training centre held four two-day seminars in Kutaisi, Batumi and Tbilisi for the 180 observers of the mission.

We assigned our observers to regional electoral commissions and the Central Electoral Commission, where they observed drafting legal documents, decision making and provided legal advice when needed.

GYLA's mission had 115 observers, with observers assigned to each regional electoral commission; mobile groups were comprised of 3 observers (10 groups altogether); observers were assigned to polling stations as well. We assigned 46 observers to Batumi and 8 observers to Kutaisi.

GYLA's Tbilisi, Kutaisi and Batumi offices operated hotlines throughout the polls, which enabled us to provide more than 180 telephone consultations. GYLA's observer mission held 5 briefings (at 11:00, 14:00, 17:00, 20:00, 23:00), informing media of their findings and violations.

GYLA's observers apprised the electoral commissions of the violations they found during their mission. If the electoral commissions did not respond to the information, our observers detailed the violations in writing, with 86 complaints filed with the electoral commissions in Tbilisi, Kutaisi and Batumi.

Findings by the observer mission were detailed in a special report, which was provided to the electoral administration, contenders, international and non-governmental organizations.

### ***Financial Transparency and Anti-Corruption Monitoring of Government Institutions***

*2006 saw public awareness of the government's transparency and accountability increase substantially as compared to that in the previous years. The ambitious plan was to take advantage of the changes. The Georgian Government under the Sunshine, an anticorruption campaign started in 2005, continued into 2006, with fifth anticorruption report on spending the President's and GoG's reserve funds published in 2006. Georgian media's coverage of the campaign was independent, which helped start a discussion on the need for intensive public scrutiny of budgetary spending.*

*Through the project GYLA played a meaningful role in getting government institutions embrace the culture of openness. Five years after the Administrative Code entered into force GYLA found itself face to face with a new challenge, which caused the emphasis to shift from traditional advocacy of freedom of information to anticorruption monitoring. The project aimed at:*

- *helping form transparent, effective and accountable government institutions;*
- *helping the public exercise its right to know and facilitate informed participation by the public in decision making;*
- *increasing financial transparency of government institutions through the tool of freedom of information.*

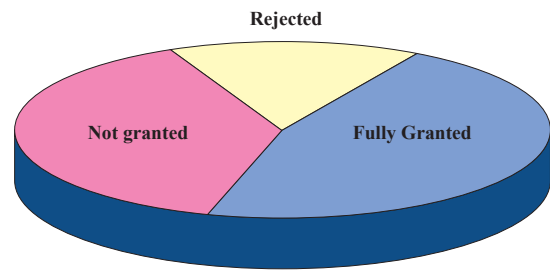
*Project activities in 2006 were as follows:*

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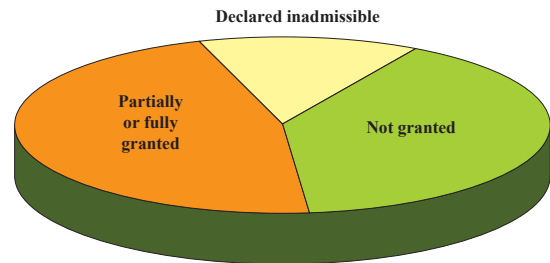


### 1. Putting freedom of information in practice through strategic litigation and monitoring of the related judicial practice

- Strategic administrative litigation –13 cases
- o Partially or fully granted – 6 cases
  - o Not granted – 5 cases
  - o Rejected – 2 cases



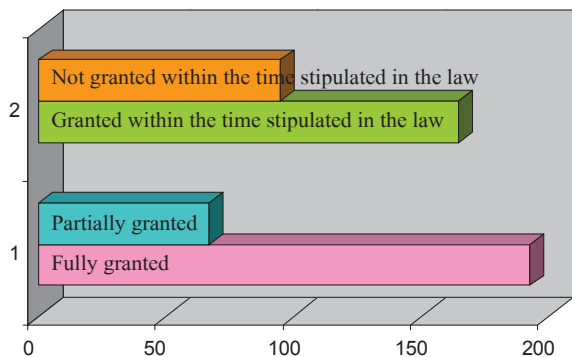
- Fifteen lawsuits filed with general courts
- o Partially or fully granted – 6 cases
  - o Not granted – 7 cases
  - o Declared inadmissible –2 cases



To help interpret the freedom of information provisions correctly, GYLA filed three lawsuits with the Constitutional Court of Georgia.

In 2006 GYLA requested public information on 328 different occasions, of which:

- o 193 requests were fully granted
- o 67 requests were partially granted
- o 165 requests were granted within the time stipulated in the law
- o 95 requests were not granted within the time stipulated in the law
- o 68 were not granted



One of the crucially important project achievements is the sizable increase in use of administrative procedures. Our requests/complaints set important precedents of government institutions engaging in administrative proceedings.

### 2. Anticorruption campaign The Georgian Government under The Sunshine

- Monitoring of spending President’s and the GoG’s reserve funds
- Financial monitoring of the penitentiary institutions
- Financial monitoring of the Ministry of the Interior’s detention facility
- Monitoring of large privatization
- Monitoring of bodies of administrative control
- Assessment of how commitments under Anticorruption Strategy and Action Plan of the Anticorruption Strategy are met



### 3. Helping civil servants raise their qualification. Recommendations as to Increasing Transparency and Accountability

Quality of Freedom of information reports to be submitted to the President of Georgia and Parliament in 2006 substantially improved. A working meeting on how to write December 10 report, which the government agencies asked for, proved to be a success.

In 2006 GYLA participated in examining the state of freedom of information in Georgia as set out in the European Convention on Freedom of Information, which was part of the comparative analysis into freedom of information in the Council of Europe countries.



### 4. Campaign to Acknowledge Freedom of Information as a Fundamental Right

28 September, International Day of the Right to Freedom of Information, is celebrated round the world. In 2006 GYLA celebrated the day together with the Public Defender.

2006 was important because the Inter-American Court broke ground with its first decision acknowledging freedom of information as a fundamental right. GYLA held a competition to select the best newspaper article on the issue, which helped inform the wider public of the decision by the court.

#### *Legal Monitoring of Baku-Tbilisi-Ceyhan Pipeline*

The programme was funded by Oxfam N(o)vib. The project covered all the seven areas of the BTC pipeline (Marneuli, Gardabani, Tetrtskaro, Tsalka, Borjomi, Akhaltsikhe and Rustavi).

The project pursued an objective to provide legal aid to the victims of the “century project” and address other problems brought about by construction of the pipeline.

The project activities were directed towards:

- providing legal aid to land owners/users that suffered damage following construction of Baku-Tbilisi-Ceyhan pipeline;
- defending statutory rights of those who were involved in building and operating Baku-Tbilisi-Ceyhan pipeline;
- monitoring of implementation of cultural heritage programme during the construction of the major export Baku-Tbilisi-Ceyhan pipeline;
- Monitoring of financing security equipment and security units of the pipeline by BTC.

We decided to carry out monitoring of a 40 million USD grant programme initiated by BTC together



with the Georgian government, which was part of the legal monitoring project, as an independent project.

Within the framework of Baku-Tbilisi-Ceyhan pipeline legal monitoring project GYLA:

- provided legal aid to about 200 land owners/users and 90 pipeline workers;
- organized 4 seminars, two of which focused on landowners' rights vis-a-vis BTC, while the other two focused on the labour rights of the workers involved in the operation of the pipeline. Participants were provided with the seminar materials.



The project made it possible for each of the aggrieved landowners be paid GEL 10,000 of additional compensation by BTC.

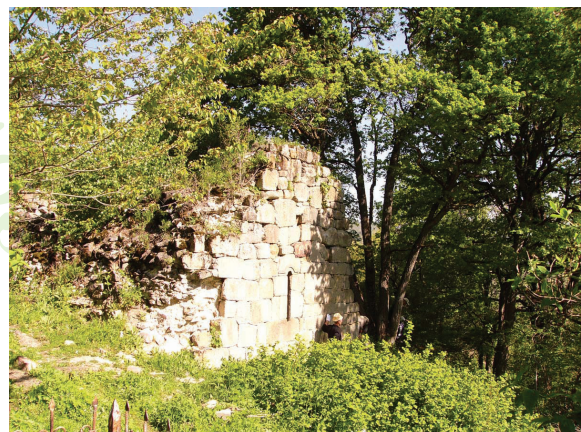
Within the framework of the project GYLA made 15 visits to the pipeline areas.

Two claims filed with the ombudsman's office of the International Finance Corporation in Washington were granted, with the aggrieved landowners paid for a year's unharvested crops. One claim is still being processed.

Within the framework of the project GYLA used BTC's appeals mechanism, with 25 claims filed against the company, of which 20 were granted. BTC funded rehabilitation of the parcels of land damaged during the construction.

GYLA examined BTC's contracts of use and servitude to convey its recommendations to the company. BTC concluded the contracts with the former landowners, which made it possible for the landowners to use their parcels of land.

GYLA had BTC complete reconstruction of the 10th century Church of St. George (55 metres away from the construction site) in the village of Tadzrisi, Borjomi over the reporting period, following successful monitoring of Implementation of the Cultural Heritage Programme during the Construction of the Major Export Baku-Tbilisi-Ceyhan Pipeline. The church is active now and the service is conducted on a regular basis there.



Having obtained detailed information on use of USD 1 million granted by BTC to the Special Service of Governmental Guard, we continued monitoring of spending the money over the reporting period.

The project enabled us to improve networking with Turkish and Azerbaijanian NGO-s involved in the pipeline construction.

### *Public Scrutiny of the BTC Pipeline Company and GoG Grant Agreement*

The project was implemented by a coalition of NGO-s For Transparency of Public Finance with the support from Open Society Georgia Foundation and Oxfam N(o)vib.

The project aimed at monitoring of spending USD 40 million granted by BTC to the GoG as well as:

- ensuring public involvement in decision making over breakdown of grant proceeds
- scrutiny of the breakdown of the state budget's matching allocations for the activities financed through the grant programme
- increasing the government's accountability
- increasing the public awareness of implementation of the grant programme and purpose-specificity of spending

GYLA requested information from the involved government agencies on spending USD 40 million granted by BTC to the GoG. The information was closely scrutinized, which let us identify the government agencies and directions that needed to be monitored to ascertain purpose-specificity of spending the grant proceeds.

We paid 10 visits to the areas crossed by the Baku-Tbilisi-Ceyhan pipeline to re-examine spending of the USD 40 million of the grant proceeds and check the level of the local population's awareness.



We closely examined the legislation regulating spending of grant proceeds.

Within the framework of the project we had 5 meetings with the Ministry of Finance and the Service of Treasury.

We put together 2 expert reports detailing misspendings and violations of the provisions of the grant agreement by the GoG, and another expert report detailing troublesome problems of legislation regulating use of grant proceeds as well as the violations in use of the grant proceeds by the involved ministries.

Successful implementation of Public Scrutiny of BTC and the GoG Grant Programme made it possible to:

- have the GoG issue a Decree #354 of July 20, 2006 charging the Ministry of Finance with the grant. Before the decree had been issued, however, there was no entity responsible for spending, which made use of the grant proceeds non-systematic and even chaotic;



- for BTC and the GoG to conclude a revised grant agreement, which was amended with the violations found through monitoring in mind;
- match projected use of grant proceeds in 2006 with the aims of the grant agreement.

Within the framework of the project we put together a report Century Project & Monitoring of the use of USD 40 Million Grant Proceeds, presented to the public on December 19, 2006.

Within the framework of the Public Scrutiny of the BTC and the GoG Grant Programme we produced 4 TV and 3 radio stories and 3 newspaper articles.

The project was implemented by For Transparency of Public Finance, a coalition of NGO-s, comprised of:

1. Open Society Georgia Foundation
2. Georgian Young Lawyers' Association
3. Georgian Young Economists' Association
4. Transparency International Georgia
5. Economic Policy Research Centre



### *Presidential Envoy at Public Service (PEPSI)*

GYLA started to implement Presidential Envoy at Public Service, a project funded by the United States Development Agency (USAID), Eurasia Foundation and the British Government (Foundation for Global Conflict Prevention) on 1 June 2005. The project ended on 30 April 2006.

The project aimed at increasing transparency and accountability of administrations of presidential envoys and foundations to help form effective local governments through public participation in Samegrelo-Upper Svaneti, Imereti, Guria, Samtskhe-Javakheti, Shida Kartli and Kakheti. To achieve the end GYLA had to have a detailed impartial picture of corruption in the local government and self-government, consolidate local civil society and leaders against corruption, increase accountability of presidential envoys and their administrations, help develop a proper system of local governance and territorial administration.

Within the framework of the project GYLA organized working meetings as well as seminars and trainings focusing on the responsibilities of presidential envoys. We also published newspaper articles on legal aspects of the institute of presidential envoy. A number of TV/radio stories about the presidential envoys' activities produced within the framework of the project helped convey our findings to the wider public.

On a number of occasions the project employees found it difficult to obtain information from the administrations of presidential envoys and foundations. The Administration of the Presidential Envoy in Samegrelo-Upper Svaneti, for instance, responded to our request for information two months after we had applied to them, while the Administration of the Presidential Envoy in Shida Kartli, in gross violation of the law, did not provide any information at all. The only resort then was going to court, which we did and won the case against the administration.

After we examined the documentation we obtained through the monitoring, we found that spending from the presidential envoys' fund was not geared towards development of either regional governance or local self-governance, which was the goal of the funds as articulated in the law that set up presidential envoys' funds. To address the violations of the law GYLA organized a number of trainings and seminars as well as press-conferences for the government, NGO-s and mass media within the framework of the project.

Thus presidential envoy's fund was an institution of ambiguous status. By a law of June 30, 2005 the funds were dissolved, effective January 1, 2006.



The major project output was a detailed impartial picture of corruption in the administrations of presidential envoys in all the six target regions and consolidating local civil society and leaders against the venal practices.

### *Alternative Reports, Monitoring of Political Parties' Financing, Fair Play*

GYLA sought to help increase the government's transparency and effectiveness within the framework of Strengthening Rule of Law in Georgia, a EU funded project.

#### **Alternative Reports to the UN Committee against Torture (CAT) and Committee on the Elimination of Discrimination against Women (CEDAW)**

In conjunction with Human Rights Information and Documentation Centre and Public Health and Medicine Development Fund of Georgia GYLA put together an alternative report on prevention of torture in the country for the UN Committee against Torture. Organizational back-up for the preparation and submission of the report was provided by the World Organization against Torture. On May 2-4, 2006 Sopio Japaridze, strategic litigation lawyer to the project, visited the Committee against Torture in Geneva to submit the alternative report. She had meetings with human rights experts, with briefings held for media in Geneva. The Committee against Torture fully agreed with the recommendations in the alternative report, which was confirmed by their recommendations to the GoG on May 19, 2006. GYLA immediately presented its alternative report and the CAT recommendations to the public, which received a wide media coverage. In September GYLA held two meetings with the representatives of civil society and government agencies, who were presented with a Civil Society Declaration on Eliminating Problems with Prevention of Torture based on the CAT recommendations.

In August 2006 GYLA and the World Organization against Torture presented the UN Committee on the Elimination of Discrimination against Women (CEDAW) with a joint report.

**Monitoring of Political Parties' Financing.** In the reporting period GYLA completed the first round of monitoring political parties' financing. GYLA requested the information from the Ministries of Justice and Finance, the Central Electoral Commission and political parties. The mid term monitoring report details the current situation as well as shortcomings, which are indicative of weakness of the government's control in the field. Considering the current situation, the monitoring will continue into 2007 and be completed with recommendations as to amending the legislation.

**Database Fair Play.** Within the framework of the project GYLA created a universally accessible database that contains information on the contributors to the political parties' election campaign and contenders, property status of government officials, as well as other relevant information that helps increase governance transparency. The database will be analogous to Slovak searchable database Fair Play, created by Slovak NGO Alliance for Fair Play. In September 2006 our project staff members went to Slovakia on a short-term study tour to familiarize themselves with the experience and be instructed in administering the programme.

### *Cooperating with Government Agencies through Participation in Consultative/Monitoring Councils and Commissions*

GYLA participated in the work of different commissions and councils throughout 2006:

- In 2006 an Appeals Council was created at the Ministry of Education and Science to examine enrollees' appeals against their scores in National Entrance Exams. GYLA was invited to sit on the council.
- GYLA was invited to sit on the selection committees to administer competition for the vacant positions of heads of territorial units of the Ministry of Education and Science (resource centres). GYLA's Tbilisi office and regional offices were invited to act as observers at testing, which was the first stage of the competition to select staff members of the resource centres of the Ministry of Education and Science.
- Ia Imerlishvili and Nino Gobronidze of GYLA along with the university students and other NGO-s were members of the Electoral Commission on May and June 2006 student self-governance elections at Ilia Chavchavadze State University.
- Nino Gobronidze, GYLA's member was involved in the election commission sat at Ilia Chavchavadze State University for election of administration. Initially GYLA was invited as a member to the commission and later as a chair.
- GYLA participated in establishing a Media Council and sat on its board. Media Council is an independent body of journalists and members of the wider public aiming at putting ethical standards in practice as well as defending journalists' rights. For a year now the Media Council has examined a number of appeals against broadcasters and publishing houses, and gave its interpretation of journalists' code of ethics on a number of occasions.
- In 2006 GYLA's chairperson sat on the Consultative Committee of the Millennium Challenge Georgia Fund, which aims at informing businesses and NGO-s of the Fund's activities and outputs from time to time. The Consultative Committee was set up according to the Millennium Challenge Contract and its members (one member was to be from Samtskhe-Javakheti, the other two members were to be an environmental NGO and a nation-wide NGO) were selected through a transparent and impartial competition,



GYLA among them.

- Tina Khidasheli, Beso Abashidze and Ana Dolidze of GYLA also sat on the Council for Penitentiary Supervision, which was set up by a presidential decree and an order by the Minister of Justice to periodically monitor human rights protection in the penitentiary system. Members of the council paid periodic visits to the penitentiaries, responded to a variety of complaints and informed the public of prisoners' conditions.
- GYLA chaired Expert Council at the Office of the State Minister for European and Euro-Atlantic Integration, which was periodically apprised by the State Minister's Office of developing the European Neighbourhood Policy Action Plan, which was adopted in October 2006.
- In July-September 2006 Tamar Kordzaia of GYLA was member of the legal taskforce of the Commission on Developing a State IDP Strategy chaired by the Ministry of Justice. The commission worked out a Strategy for Social-Economic Development of IDP Communities.
- Otar Kakhidze has represented GYLA in the Penal Code Taskforce under the Parliamentary Legal Affairs Committee since April 2006.
- Tamar Gurchiani has represented GYLA in the Public Council of Religions at the Centre of Conflicts and Negotiations.
- GYLA has been member of a coalition for Transparency of Public Finance since 2006. The coalition aims at improving administration of public finance, raising public awareness of the problem, and increasing public involvement in the scrutiny of public finance. The coalition projects are as follows:
  1. Public Scrutiny of BTC Pipeline Company and GoG Grant Agreement
  2. Monitoring of the Millennium Challenge Programme
  3. Monitoring of the State Medical Insurance Programme for those Living below the Poverty Line [www.publicfinance.ge](http://www.publicfinance.ge)
- GYLA has sat on the Interagency Council for Coordination of Fight against Human Trafficking since October 2006. The council is comprised of government agencies, NGO-s and international organizations. The council convenes every 2-3 months to discuss antitrafficking policies. The council assists the government in implementing antitrafficking action plan.
- Assessment of women's Rights and Opportunities Reality - Equal Rights and Opportunities for Women in Georgia was put together in 2006 by NGO-s and independent experts with support by the regional project of the United Nations Development Fund for Women (UNIFEM) Women for Conflict Prevention and Peace Building in South Caucasus. The research is an analysis into the current state of gender equality. The research findings were published in Georgian and English.
- From March 1 to January 10, 2007 GYLA participated in putting together amendments to the Law of Preventing Domestic Violence, Protection of and Assistance to Victims of the Violence.

- GYLA has sat on the Expert Council at the Agency of Social Issues and Employment since December 2005. The agency is to apprise the Council of its activities every month, while the Council, on its part, is to inform the wider public of the activities and give the feedback back to the agency.

### *GYLA's Involvement in Lawdrafting*

GYLA's involvement in lawdrafting, i.e. assessment of draft laws and feeding it back to the parliamentary committees, was more intensive and better organized in 2006. GYLA introduced a position of parliamentary secretary, who is to timely provide staff members with the draft laws that GYLA is asked to comment on, set up taskforces to work on important legislative initiatives, ensure GYLA's participation in parliamentary committee hearings when issues that are high on GYLA's list of priorities are discussed and advocate the Association's position on the draft laws/initiatives.



Laws that were amended based on GYLA's comments are as follows:

- Amendments to the Code of Penal Procedure (28 April 2006)
- Amendments to the Code of Penal Procedure and the Law of Meetings and Manifestations (Amendments to Article 208 as to opinions expressed out of court, appeals procedures, charging with administrative responsibility by one and the same judge)
- Amendments to the Law of Terrorism
- Amendments to the penal legislation as to changing the age of criminal responsibility
- Amendments to the Law of State Procurement
- Amendments to the Labour Code
- Amendments to the Law of Constitutional Court and the Law of Constitutional Litigation
- Amendments to the Law on Broadcasting, etc.

Over the reporting period GYLA conveyed its comments on 43 different laws to parliamentary committees.

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## Law Training

### *GYLA's Law Training and Information Centre at the Crossroads of its Development*

The Law Training and Information Centre runs both the training centre and the Fund for Law Training, established by GYLA.

#### *Weekly Training Courses for Law Students and Young Lawyers*

GYLA's Fund for Law Training was charged with training courses for law students in May 2005, which had been run by the Law Training Centre for 8 years.

The training courses aimed at helping young lawyers grow professionally, apply their theoretical knowledge in practice and develop professional skills. The training methodology enabled the students to draft legal documents and practice trials in moot courts both within the course and internationally. The Fund administered selection for international moot courts, helped law students develop legal writing, substantiating, arguing and debating skills.

GYLA admitted 130 students to its 2005-2006 training course and 128 students to 2006-2007 training course. We introduced a credit-based system, which was an innovation that motivated both trainers and students.

Quality of legal documents drafted by the students of the 2005-2006 training course, course papers on a variety of topics, moot courts in May 2006 organized by each of the training courses on issues specific to the course, debating competition held in April 2006 were indicative of the courses' success. The students showed quite impressive results and a level of preparedness sufficient to let them practice law. The debating competition was won by a team as well as 10 speakers that were awarded GYLA's prizes.

Following the final testing, GYLA issued 48 diplomas and 39 certificates to the 2005-2006 training course graduates. We recommended a number of the graduates for different vacancies.

In 2006-2007 the Fund introduced the debating competition in GYLA's offices in Gori, Kutaisi, Batumi, Telavi, and Rustavi, with about 100 students participating in the debate. Conducting



the debating competitions outside the capital was exceptionally important.

The Fund now is self-sustained through tuition fees.

### ***Law Training and Information Centre***

Apart from the weekly training groups, GYLA's Law Training Centre organized a number of educational activities. In 2005-2006 the training centre carried out 2 educational projects as well as a campaign project (See Raising Legal Awareness - Millennium Challenge Goals on the Agenda).

***1. Raising Awareness in Contractual Law and Law of Obligations funded by CILC.*** Project activities over the reporting period were as follows:

GYLA's Law Training Centre organized 4 seminars on contractual law and law of obligations for 80 civil case judges, 30 lawyers and consultants, including our lawyers from the central and regional offices. The seminars were to examine Georgian contractual practice and discuss legislative gaps that prevent sound practices from taking hold.

On February 10-12, 2006 GYLA organized a seminar on freight forwarding/transportation contracts conducted by 2 CILC representatives and a Deputy Chairman of Amsterdam Appeals Court for 30 judges of Tbilisi, Batumi and Poti courts of law that had to deal with most of the freight forwarding/transportation disputes.

The seminars held within the framework of the project let the Law Training Centre have a textbook on law of obligations, which is a comparative analysis into Georgian and Dutch contractual practice, developed by Georgian and Dutch experts. The textbook is to be published in 2007.

GYLA produced 6 radio programmes on contractual and proprietorship issues broadcast on the 1st channel of the Georgian Radio. Telephone calls to the programmes made it clear that all the six programme topics were of interest to the public,



which prompted us to produce 6 leaflets to address the issues and distribute them across the country.

Provisions of the contractual law that were of interest to the public and our contact details were posted on 15 intercity buses in Tbilisi.

## ***2. Facilitating development of environmental regulations and procedures was funded by OECD:***

In September 2005 GYLA organized 3 trainings for 80 staff members of the State Environmental Inspectorate to discuss the legal issues in their everyday activities, problems arising out of legislative gaps and agree on a common approach to the problems.

The law training centre developed regulations of the State Environmental Inspectorate, which entered into force in August 2006.

We also put together a booklet Environmental Inspectorate in Public Service, which details rights and responsibilities of the Inspectorate for the wider public.

### ***Law Library and Information Centre***

The law library was created right after the Young Lawyers' Association had been established. At the outset the library collection was comprised of books of the members' personal libraries. We were exchanging books intensively at the time. The library was growing with books and printed materials provided by different international organizations. GYLA's library is still provided with books by COLPI, ABA, Law Society of England and Wales, UNHCR, OSI, Swiss Federal Assembly, etc.

GYLA was granted its first library grant by EURASIA Foundation in 1996, which allowed us to purchase Georgian textbooks and codes. It was then that we started to reorganize the library. Since then the library had been funded every year until 2005, which let it grow. ABA/CELLI, UNHCR, UN OHCHR, IRIS grants let us acquire human rights materials, especially those about European human rights.

GYLA's library collection, including libraries of regional offices, is now comprised of 15,000 items in Georgian, English, Russian, German and French. Libraries are attached to the Association's Tbilisi Office and its seven regional offices.

On average GYLA's library serves 50-60 readers a day. The library is open to anyone who is interested in its collection. Apart from the Association members, the library is frequented by students, civil servants and people from all walks of life.

In 2003-2005 GYLA had its library operations automated. Now we have both card and electronic catalogues.

#### ***Dynamics of Use of the Library Service***

Year	Year 2006										
Month	I	II	III	IV	V	VI	VII	IX	X	XI	XII
Users	776	750	1391	1243	1277	1059	105	422	786	998	1009

## Organizational Development

### *Evaluation of 2002-2006 Activities*

The evaluation of 2005-2006 activities with the support by CORDAID was very important to GYLA. The evaluation was to appraise the process of the Association's organizational development by putting it against what had been done and what had been achieved. The evaluation focused on the Association's evolving strategy and policy against the changing background, institutional aspects of its operation and regional offices.

The evaluation showed that GYLA enjoys good reputation for its service and credibility. The beneficiaries and target groups as well as partner organizations consider GYLA to be a reliable professional organization that could be their long-term partner. GYLA was found to be perceived as an organization that acts professionally.

The evaluation taskforce pointed at the Association's as well as the regional offices' lack of a written strategy and policy. GYLA found the recommendation by the taskforce very important, which directed the Association Board to develop the Association's vision, mission, policy and strategy that should guide its activities in the coming years. To develop the Association's strategy GYLA gathered its experts, board members, staff members of the Central and regional offices together in Gudauri on December 4-6, 2006. Following the agreement on the outline of the organization's mission and what the association was to do to achieve its objectives, GYLA started to develop its strategy.



Over the reporting period GYLA's regional offices tended towards greater decentralization, which implies that they are more independent now and horizontally aligned. Planning in the regional offices and their contact with donors saw a significant improvement. Ajara and Kutaisi affiliates submitted their proposals to donors, some of which have already been financed:

- GYLA's Ajara branch: Members of the Public in Ajara whose Rights are Protected, funded by OSCE
- GYLA's Kutaisi branch: The Many Facets of Privatization
- GYLA's Kutaisi branch: Monitoring of Administration of IDP Allowances (proposal still pending)
- GYLA's Kutaisi branch: Elections and Media, financed by USAID and Urban Institute
- GYLA's Kutaisi branch: Students for Women's Rights, financed by LDA-Georgia.

Detailed information on the projects as well as the activities of all the affiliates and regional offices is given in the annual reports of the affiliates at [www.gyla.ge](http://www.gyla.ge).

### ***GYLA's 2007-2010 Strategy***

Based on the organizational assessment of summer 2006 GYLA's board decided to develop a three-year strategy (2007-2010). The decision was prompted by the developments in the civil society and in the country in general, which called for a new strategy based on the Association's core objectives and principles. GYLA is assisted by the Centre for Training and Consultancy (CTC) in developing its strategy. GYLA also intends to hold a number of working meetings for the Association's board, directorate and regional offices to consult together on the issue. The strategy is to be finalized and approved in the first half of 2007.

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## Financial Report

Reporting period: 1 October 2005-30 September 2006

GYLA's financial report covers a period between 12th and 13th assemblies. GYLA received GEL 1,740,747.65 in grants, donations and membership fees, which is itemized below:

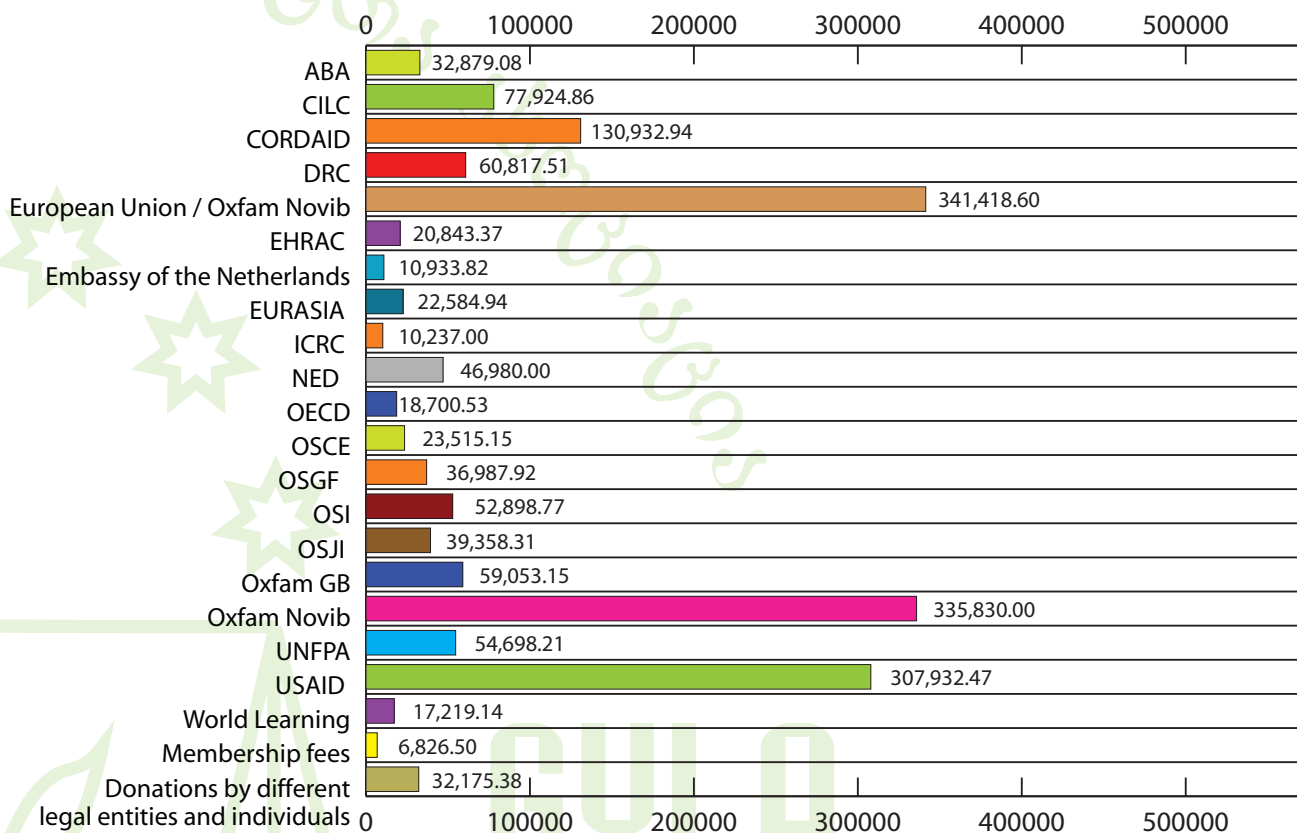
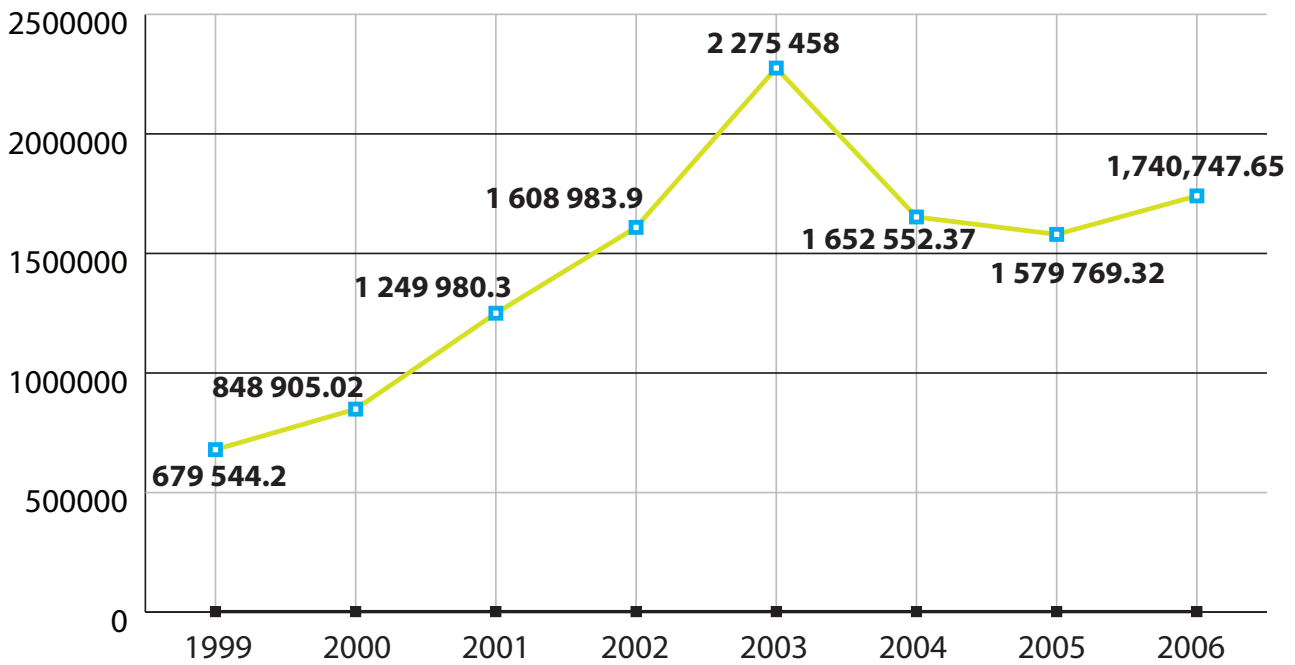
DONORS	GEL
ABA	32,879.08
CILC	77,924.86
CORDAID	130,932.94
DRC	60,817.51
European Union / Oxfam Novib	341,418.60
EHRAC	20,843.37
Embassy of the Netherlands	10,933.82
EURASIA	22,584.94
ICRC	10,237.00
NED	46,980.00
OECD	18,700.53
OSCE	23,515.15
OSGF	36,987.92
OSI	52,898.77
OSJI	39,358.31
Oxfam GB	59,053.15
Oxfam Novib	335,830.00
UNFPA	54,698.21
USAID	307,932.47
World Learning	17,219.14
Membership fees	6,826.50
Donations by different legal entities and individuals	32,175.38

Remuneration for 138 regular staff (83 employees of the regional offices) GEL 792,930.18

Fees paid to 612 one-off service providers GEL 163,557.85

Income tax withheld from remuneration and fees to individuals

	GEL
Income tax	120,097.69



Fixed assets acquired GEL 108,835.56  
 Fixed assets acquired for regional offices GEL 13,044.50  
 Stationery GEL 13,566  
 Stationery for regional offices GEL 5,050.85  
 Books and periodicals for GYLA's libraries GEL 5133.52  
 GYLA's Seminars/meetings GEL 48,836.07  
 Business trips by the Association staff and the members GEL 109,822.76  
 Rent GEL 34,067.52  
 Communication GEL 13,351  
 Communication (regional offices) GEL 8,414.64  
 Fuel GEL 10,397.73  
 Total GEL 1,612,350.28, which is broken down as follows:

DONORS	GEL
ABA	41,884.53
CILC	75,036.73
CORDAID	250,052.15
DRC	38,847.52
European Union / Oxfam Novib	223,693.72
EHRAC	4,825.33
Embassy of the Netherlands	634.00
EURASIA	27,679.46
ICRC	10,232.00
NED	10,546.68
OECD	7,328.49
OSCE	44,940.42
OSGF	21,398.37
OSI	34,125.41
OSJI	77,707.99
Oxfam GB	11,609.07
Oxfam Novib	361,113.85
UNFPA	53,401.45
USAID	292,147.93
World Learning	17,219.14
Membership fees	1,708.55
Donations by different legal entities and individuals	6,217.49



**Georgian Young Lawyers' Association**  
**Summary Balance Sheet**  
 As of December 31, 2006

	<b>Dec 31, 2006</b>
<b>ASSETS</b>	
Fixed Assets	824,685.81
Other Assets	2,000.00
Current Assets	
Accounts Receivable	821,582.23
Current/Savings	399,580.68
<b>Total Current Assets</b>	<b>1,221,162.91</b>
Current Liabilities	
Other Current Liabilities	-4,925.89
<b>Total Current Liabilities</b>	<b>-4,925.89</b>
<b>NET CURRENT ASSETS</b>	<b>1,226,088.80</b>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>	2,052,774.61
<b>NET ASSETS</b>	2,052,774.61
Equity	2,052,774.61

Chairman

Accountant



GYLA

GYLA Governing bodies:

November 2006

***The Board Members***

Giorgi Chkheidze  
David Usupashvili  
Tinatin Khidasheli  
Lali Chkhetia  
Tamar Metreveli  
Anna Dolidze  
Besarion Abashidze  
Zurab Marakvelidze  
Koba Davitashvili  
Tamar Gurchiani  
Ketevan Kvinikadze  
Giorgi Zedelashvili  
Tamar Kaldani  
Eka Beselia  
Paata Kikvidze  
Ketevan Jeladze  
Diana Berekashvili  
Levan Mosakhlshvili  
Malkhaz Gugunishvili  
Konstantine Kublashvili  
Nikoloz Dzimtseishvili

***Heads of Regional Offices***

Kutaisi Branch - Madona Basiladze  
Adjara Branch - Paata Sharadze  
Rustavi Office - Eka Pavlenishvili  
Gori Office - Ketevan Bebiashvili  
Telavi Office - Lela Taliuri  
Ozurgeti Office - Tamaz Trapaidze  
Dusheti Office - Sergo Isashvili



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**GYLA**

