

Rule of Law for Justice



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Annual Report

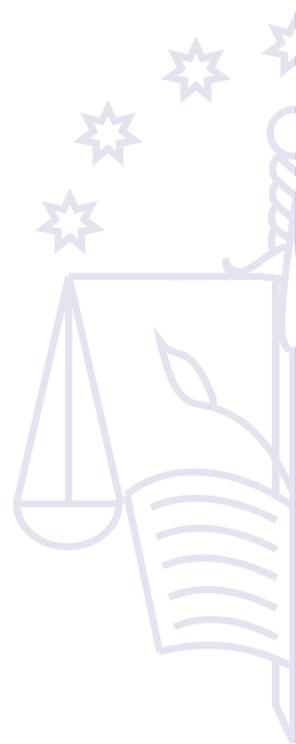
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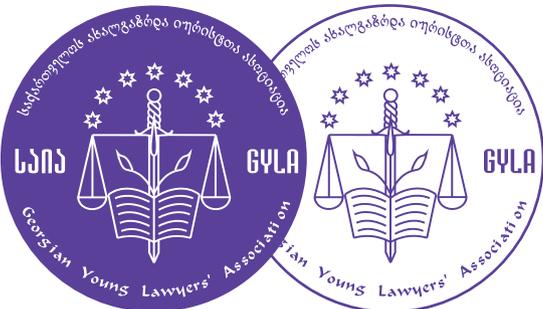
საქართველოს ახალგაზრდა იურისტთა ასოციაცია

საიხი

Georgian Young Lawyers Association



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საქართველოს ახალგაზრდა იურისტთა ასოციაცია



GYLA

Georgian Young Lawyers' Association

Rule of Law for Justice



British Embassy
TBILISI



Austrian
Development Cooperation



CENTRE FOR INTERNATIONAL LEGAL COOPERATION



ORGANISATION
FOR ECONOMIC
CO-OPERATION
AND DEVELOPMENT



გერმანიის ფედერაციული
რესპუბლიკის საელჩო
თბილისში



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FROM THE AMERICAN PEOPLE

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Dear Friends,

Nowadays the Georgian Young Lawyers' Association is one of the most powerful civil society associations, which, during the 13 years of its functioning, owing to the unflinching efforts and nonnegotiable attitude by each of its members and employees, managed to acquire a reputation of a reliable, influential, and highly professional organization.

We are proud to have what is the most important – a citizens' vote of confidence – proven by the amount of legal advice annually rendered by GYLA for the purpose of providing legal assistance to the population.

The last reporting year was particularly important to the Georgian Young Lawyers' Association: we developed an organizational development strategy and set the priority to strengthen our activities in the following 4 directions:

1. Raising legal awareness and establishing respect for law among the public;
2. Protection of human rights, development of protection mechanisms, and ensuring access without discrimination;
3. Facilitation to an effective, accountable, and transparent governance;
4. High quality and permanent legal education and professional development.

We believe the mentioned Strategy Document will serve as a guideline in our future work and a real mechanism for the organization's future development.

In 2007, similar to previous years, the Georgian Young Lawyers' Association's one of the major priorities has been provision of free legal aid to socially vulnerable population. Our task was to provide as many individuals as possible with information about their rights and mechanisms available to defend their rights. With comprehensive public awareness raising programs in both Tbilisi and regions we were trying to raise the citizens' legal understanding as a requisite precondition for preparing a citizen to develop the willingness to fight for own rights.

The Georgian Young Lawyers' Association continued active and fruitful cooperation with other non-governmental organization at both coalition and individual partnership levels in order to render timely, adequate, and results-oriented response to serious human rights violations.

We particularly strengthened our work towards ensuring transparent and accountable governance. We monitored the existing situation in terms of openness in specific aspects of interest and related potential corruption risks, following which we tried to find and offer realistic solutions to the problems revealed.



Development of a legal profession remains GYLA's one of the major strategic directions. We regard each student who has achieved success in our education facility as a future of our organization and the Georgian law society.

It is certainly difficult to successfully monitor the Government's activities on the one hand and to offer the Government cooperation in implementation of reforms on the other hand. Last year was successful in this context, albeit marked with certain obstacles, which we view as a boost of motivation not to close eye at any violation of rule of law and human rights and, simultaneously, for the purpose of resolving specific problems, to be ready to cooperate with the authorities.

Reports that the Georgian Young Lawyers' Association is submitting to the General Assembly of GYLA members at annual meetings, we think, are a proof of this organization's successful activities implemented from year to year. GYLA is ready to continue its strong endeavors towards achievement of its charter goals and act as a nonnegotiable advocate for the protection of citizens' rights, freedoms, and dignity.

Respectfully yours,

Giorgi Chkheidze

Chairman

Georgian Young Lawyers' Association



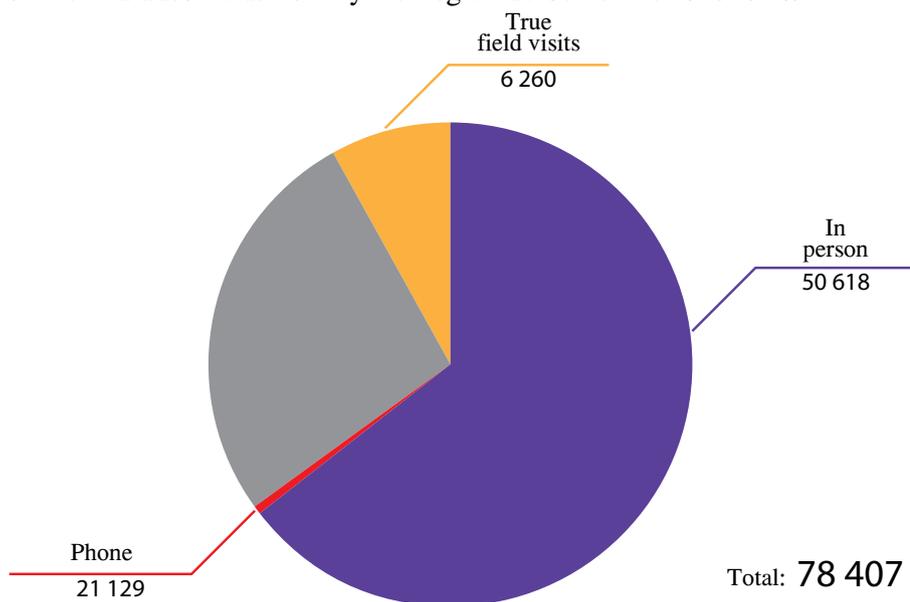
Upholding rule-of-law and facilitating to building a rule-of-law State was and remains the paramount priority for the Georgian Young Lawyers' Association. Since its establishment, GYLA has been actively involved in rendering free legal assistance to and raising legal awareness among the population. Within the framework of relevant projects financed by OXFAM / NOVIB and the European Union, in Tbilisi and 7 regions of Georgia, GYLA is rendering free legal consultations, assistance in drafting legal documents and, when certain requirements are met on certain category of cases, free attorney services. In furtherance of its Charter objectives, GYLA's Legal Aid Center carries out the following activities:

1. Provides legal consultations over the phone and in person;
2. When specific requirements are met, provides attorney services in administrative, civil and criminal cases;
3. Prepares legal documents (lawsuits, applications, motion, complaints, etc.);
4. Provides written answers to questions received through internet and printed media ;
5. Prepares brochures and booklets on society-wide issues of concern.



Statistics of the activities carried out

Statistical data on the activities carried out by the Legal Aid Center are as follows:



Regional offices	Phone consultations	Personal consultations	Field meetings	Newspaper insets	Total
Kutaisi	4440	11042	1754	66	17 302
Gori	2357	10457	952	0	13 766
Rustavi	3128	3305	941	28	7 402
Ozurgeti	226	2637	704	0	3 567
Telavi	479	2985	359	0	3 823
Achara	1695	6527	1550	0	9 772
Dusheti	554	804	235	0	1 593

	Phone consultations	Personal consultations	Legal documents	Questions received through internet and printed media
Tbilisi	8804	13665	458	306

Legal documents prepared:

	Achara	Kutaisi	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Tbilisi	Total
dokumenti	253	406	1076	233	326	121	133	458	3006

Representation before courts and administrative bodies:

	Gori	Ozurgeti	Telavi	Kutaisi	Rustavi	Achara	Dusheti	Total
	24	15	34	40	34	47	13	207
Administrative Law	5	6	1	10	15	29	3	69
Criminal Law	10	4	12	16	11	15	7	75
Civil Law	9	5	3	14	18	3	3	55
Successful Cases	5	9	18	22	16	21	4	95

The number of legal consultations provided by the Georgian Young Lawyers' Association during the current year exceeded all of our expectation: in Tbilisi and 7 regional offices 78,407 pieces of consultations were issued cumulatively!!! The statistical data clearly confirm the great deal of trust toward the Georgian Young Lawyers' Association from the part of the society. This trust is the result of uncompromised adherence to its principles by GYLA in terms of human rights protection and its commitment to rule of law.



Attorney services:

GYLA's Legal Aid Center in Tbilisi, its branches and regional offices were regularly providing attorney services to target group in criminal civil and administrative cases.

Below is a list of a few of the many cases in which GYLA was involved through providing legal representation services.

Citizens of Georgia Vakhtang Masurashvili and Onise Mebonia vs. Parliament of Georgia

In the mentioned case, the plaintiffs were asking for declaring paragraphs 6 and 7 of Article 208 of the Criminal Procedure Code of Georgia and paragraphs 5 and 6 of Article 212 of the Civil Procedure Code of Georgia unconstitutional. The disputed provisions were vesting a judge with the power to impose a fine or an arrest for up to 30 days on a person who had expressed a manifest and gross disrespect to court. A judicial order imposing these measures were not subject to appeal. The Constitutional Court of Georgia partially upheld the plaintiffs' demand and declared paragraph 7 of Article 208 of the Criminal Procedure Code and paragraph 6 of Article 212 of the Civil Procedure Code (provisions concerning inability to appeal an arrest order) unconstitutional.

The Georgian Young Lawyers' Association and Ekaterine Lomtadze vs. Parliament of Georgia

On 14 November 2006, the Constitutional Court of Georgia confirmed admissibility for hearing on merits of a lawsuit authored by the Georgian Young Lawyers' Association and Ekaterine Lomtadze for the declaring of Article 9(2) of the Law of Georgia on Criminal Intelligence and Investigative Activities as unconstitutional. Article 20 of the Constitution of Georgia permits the limitation of a person's right to privacy only on the basis of a judicial decision or in case of a pressing urgency. The disputed provision, however, vests appropriate public officials with the right to carry out criminal intelligence and investigative measures in violation of the right to privacy without a judicial permit as well as in instances which, by their nature, do not constitute a pressing urgency.

The Georgian Young Lawyers' Association vs. Parliament of Georgia

On 4 December 2006, the Constitutional Court of Georgia confirmed admissibility for hearing on merits of a constitutional lawsuit authored by the Georgian Young Lawyers' Association. The lawsuit challenges the definition of a "tax secret" contained in Article 122(1) of the Tax Code of Georgia and some other tax secrecy-related provisions of the Tax Code (Article 39(1)(m), Article 101(7), and Article 52(1)(g) of the Tax Code). The disputed provisions prohibit provision of information kept by the tax authorities even when information classified as "tax secret" does not constitute either commercial or professional secrecy, thereby violating Article 41 of the Constitution of Georgia.

Shalva Ramishvili vs. Parliament of Georgia

The idea to file this constitutional lawsuit generated after the European Court of Human Rights handed down its judgment in the case of *Hirst vs. The United Kingdom*. According to Article 28 of the Constitution of Georgia, a citizen who has been declared incapable by a court or who is in a penitentiary institution on the basis of a convicting judicial decision. Notwithstanding the reservation contained in the Constitution, we decided to approach the Constitutional Court and request the Court to decide on the constitutionality of the relevant provision (Article 5) of the Election Code. In July 2007, GYLA submitted a lawsuit to the Constitutional Court on this matter on behalf of Mr. Shalva Ramishvili.

Kakhaber Khundadze vs. Parliament of Georgia

An attorney from the GYLA Legal Aid Center is currently leading the case of Mr. Kakhaber Khundadze before the courts of general jurisdiction. Proceedings in the case revealed a possible inconsistency of one of the provisions of the Criminal Procedure Code of Georgia with the right to legal defense guaranteed by the Constitution of Georgia. We addressed the Constitutional Court on 3 October 2007. Pursuant to Article 499(2) of the Criminal Procedure Code, if an indicted person turns mentally insane following commission of a crime, a convicting judgment can still be passed. Such rule impedes the exercise of the right to legal defense that includes the ability of the person to effectively cooperate with his counsel, while an insane person is unable to do so. The European Court of Human Rights and the United Nations Human Rights Committee have been repeatedly mentioning the importance of effectiveness of a counsel's services. An established practice in this context in the United States is that review of a case is suspended until the relevant person's recovery.

In the reporting period, GYLA rendered advice on procedures to apply to the European Court of Human Rights to 239 individuals.



- **Kakabadze and four others vs. Georgia**

On 29 June 2006, in the yard of the Appeals Court, members of the “Equality Institute” Irakli Kakabadze, Lasha Chkhartishvili, Jaba Jishkariani, Zurab Rtveliashvili, and David Dalakishvili were publicly expressing their views concerning the political situation in the country. Through a loudspeaker, a megaphone, they were urging the court to show impartiality and release Shalva Ramishvili and David Kokhreidze, founders of the independent television channel “202” (at that time, these persons’ case was being heard by the Appeals Court). In about 5 minutes after the start of the manifestation, bailiffs rushed out from the court building and arrested the abovementioned persons without any warning. These persons were taken into the Appeals Court building and placed in one of the room. Later, Eka Tkeshelashvili, Chair of the Appeals Court, based on Article 208 of the Criminal Procedure Code, without any review (review on the spot), order 30 days of arrested. Neither the complainants nor their counsels had the chance to participate in the process of passing the order. Furthermore, according to paragraph 7 of Article 208 of the Criminal Procedure Court, such judicial order could not be appealed.

In their application to the European Court of Human Rights, the applicants allege violation of a number of provisions of the European Convention in relation to them; in particular, they refer to Article 5(1) asserting that their detention did not serve legitimate aims and the law that became a basis for their arrest (Article 208, paragraph 61 of the Criminal Procedure Code) was interpreted in an unjustifiably broad manner. Although the given provision of the Criminal Procedure Code applied in case of violation of order and expression of disrespect toward a court inside a court building, the term “court building” was construed to include not only the building of the court itself, but also the adjacent territory that belongs to the court and wherefrom actions of individuals may disturb the effective functioning of the court. Due to such interpretation, the given provision was devoided of “legal predictability,” leading to the result that the applicant were unable to foresee the possible consequences of their actions.

The applicants also claim violation of Article 5(2) of the Convention on the ground that neither at the moment of arrest nor afterwards during their detention period did anyone explained to them the reason of their arrest and the contents of accusations put forward against them.

The applicants further claim violation of Articles 5(3) and 5(4) of the Convention as they were not brought before a judge and were not given the chance to challenge lawfulness of the court order. Because, with neglect to the procedural guarantees contained in Articles 5(3) and 5(4) of the Convention, the applicants were not able to present proofs of unlawfulness of their detention, they were deprived of the right to be compensated for unlawful arrest and detention, which constitutes a violation of Article 5(5) of the Convention.

The applicants were deprived of their right to fair trial envisaged by Article 6 of the Convention, since they were not given a chance to challenge the order of the Chair of the Appeals Court.

Because the applicants had no possibility during the review of their criminal charges of defending in person or through a counsel of their choice, they claim to be victims of Article 6(3)(c) of the Convention.

Considering the above reasons and the fact that the applicants had no effective domestic means to restore their violated rights, their right under Article 13 of the Convention was also violated.

The applicants further complain of being subjected to violation of their right to have their case reviewed by a higher instance court, as provided in Article 2 of Protocol No. 7 to the Convention.

Finally, the applicants claim violation of their right under Articles 10 and 11 of the Convention to hold a peaceful manifestation and publicly express their views.

On 29 December 2006, the application was sent to the European Court of Human Rights.

- **Irina Chokheli and 11 others vs. the Russian Federation**

During October 2006 and subsequent months, about 4,000 citizens of Georgia were deported from the Russian Federation territory for various formal reasons (such as lack of visas, registration, or work permits or expiry of these documents). The actual reason of deporting a majority of these citizens was the relations between the two countries that became tense in the recent period. The tension increased following the arrest on 27 September 2006 of 4 Russian soldiers on the charges of espionage.

An application to the European Court of Human Rights was prepared on behalf of 12 individuals who were subjected to mostly analogous violations. These citizens had all the documents required for lawful stay on the Russian Federation territory but were, nevertheless, arrested, detained in Special Receiving and Distributing Facilities, and deported from the RF territory based on court decisions. They were not advised about the reasons of arrest and were not given the chance to invite a legal counsel. Court proceedings were conducted formally, as the applicants were not given the possibility to provide counter-arguments for the deportation. Each court proceeding lasted for about 2 or 3 minutes, entailing the same result in each case (payment of a fine and eviction from the country). The applicants were not served copies of court decisions concerning them and were not explained about their right to challenge the decisions before higher instance courts within 10 days. Moreover, the mentioned individuals were deported before the expiry of the 10-day term allowed for challenging the court judgments.

The applicants claim violation of the following provisions: Article 3 (prohibition of torture) and Article 5 (right to liberty and security of person) of the European Convention; Article 4 of Protocol No. 4 to the European Convention (prohibition of collective expulsion of aliens); Article 1 of Protocol No. 7 to the European Convention

(procedural guarantees for aliens facing expulsion); and Article 13 of the European Convention (the right to effective remedy) in connection with violation of the aforementioned provisions. The applicants further claim to be victims of violations under Article 14 of the European Convention (prohibition of discrimination) in relation to Articles 3 and 5 of the Convention, Article 4 of Protocol No. 4, and Article 1 of Protocol No. 7 as well as Article 17 of the Convention (prohibition of abuse of rights) and Article 18 of the Convention (limitation on use of restrictions on rights) in relation to Article 5 of the Convention and Article 1 of Protocol No. 7.

The application was sent to the European Court on 6 April 2007 and was registered under number 163691/07.

- **Mirtskhulava vs. Georgia**

The applicant is a former Minister of Fuel and Energy and former Chairman of the National Energy Regulation Commission. He was arrested on 24 December 2003 in the street as he was going together with his wife to an appointment with a cardiologist and was taken to the Prosecutor-General's Office. Later it was found out that the applicant was to be interrogated as a witness. Therefore, there was no ground for his arrest.

Having been brought to the Prosecutor-General's Office, the applicant was granted the status of a suspect and was interrogated. During the interrogation, he had a heart insult and was transferred to a cardiac clinic. For this reason, no charges could be presented against him within the statutory 48 hours and the resolution on his arrest as a suspect was thus cancelled. Nevertheless, until the date when official charges were brought against him (16 January 2004), his ward was guarded by police officers and neither his parents nor his counsel were allowed to see him.

On 16 January 2004, following the bringing of charges against the applicant and granting him the status of an accused person, the Prosecution Office addressed a motion to the Krtsanisi-Mtatsminda District Court requesting that the court impose arrest as a preliminary measure. The applicant's counsel was given 9 volumes of the case and 1 hour to review all the materials and prepare the case for the defense. The court did make an effort to justify the necessity of arrest. On 16 January 2004, in violation of the forensic conclusion (according to which the applicant had to stay in a specialized clinic for 10-12 days), the applicant was transferred to the Prison Republican Hospital where he was not provided with adequate number of medicines and assistance of medical personnel with required qualification. Because of the improper medical assistance and bad conditions, the applicant's health conditions were considerably aggravated and led to a surgery. This information was broadcast live on many television channels. Notwithstanding the fact that the applicant had a clinical death on 23 June 2004, the next day he was transferred to Prison No. 7 and placed in the well-infamous cell no. 12. Only due to the necessity of an interim measure, he was returned to the Prison Hospital.

From the moment of the applicants arrest till the completion of the review of his case by the court, high-ranking public officials (including the President of Georgia) were making public statements that the applicant was guilty of theft and he had to answer for what he did.

The applicant claims violation of Articles 3, 5(1), 5(3), 5(4), 6(2), and 8 of the Convention and Article 1 of Protocol No. 12 to the Convention.

The application was registered with number 18372/04. The applicants response to the Georgian Government's observations was sent to the European Court in September 2007.

- **Mirtskhulava vs. Georgia (2)**

The application concerns violation of Article 6(1) of the Convention (the right to fair trial). In this case, there were serious procedural violations during both pre-trial and trial periods. Due to the procedural violations, the

applicant was placed in unequal conditions vis-à-vis the prosecution and was therefore subjected to violation of the right to fair trial.

Of the violations complained of, the following should be mentioned:

- Neither the accused applicant nor his counsel was informed about the conducting of financial accounting forensic examination. Therefore, they were deprived of their right to participate in investigative actions and to pose the importation questions answers to which were of substantial meaning for enforcing the defense case.
- The convicting judgment was based on the testimony of the main witness of the prosecution side who, by the time the case was being reviewed by the court, was dead. Moreover, that person had tensed enough relations with the applicant and he himself confessed about it during his interrogation. His testimony was added to the case file and published as the prosecution's major evidence without the applicant having any chance to question the information referenced in the testimony.
- The applicant was not notified about the date of hearing of his case by the Supreme Court and that the Supreme Court would hand down its judgment without an oral hearing, while the applicant was awaiting the hearing and wanted to submit new important information to the Court.

It should further be noted that the pre-trial investigation was led by a person who was biased and had specific interests in the outcome of the case. The senior prosecutor whose task was to maintain unimpeded and full compliance with the law during the investigation process, also was biased and interested in the outcome of the case. For these reasons, many decisions of a procedural character were made in neglect of the defense's substantiated arguments.

Deriving from the aforementioned reasons, the applicant asserts that he was not given the chance to use his guarantees of the right to fair trial envisioned in Article 6 of the Convention.

The application was sent to the European Court on 7 May 2007 and registered with the number 22720/07.

• **Jugeli and others vs. Georgia**

The applicants live in different apartments of the same living building bordering the JSC "TboElectroCentral" (Heat and Power Plant). The Plant was built in 1939 and operated on coal to produce electric power. Later, coal was replaced with natural gas as a combustion material. The Plant was and stays a high-risk explosive. Several such incidents have already happened in the past, such as the explosion on 10 April 1996. When in operation, the Plant emits hazardous substances into the atmosphere. Furthermore, water leaking from the Plant's pipes reaches the foundation of the applicants' living building and seriously damages the walls of the building.

The applicants complain of violation of their right under Article 8 of the Convention. Their application was registered by the European Court with number 38342/05. The Government of Georgia submitted its observations on the case, which we received from the Court for rebuttal.

• **Nino Dzidzava vs. the Russian Federation**

On 17 April 2007, the first application concerning Ms. Nino Dzidzava's case was sent to the European Court. Ms. Dzidzava is the spouse of Mr. Merab Togonidze who died while being transferred from the Saint Petersburg Special Receiving and Distributing Facility to the Moscow Airport.



The purpose of his transfer to the Moscow Airport was his deportation from the Russian Federation. Mr. Togonidze was kept in unbearable conditions in the Special Receiving and Distributing Facility. Regardless of the fact that he was suffering from asthma and required constant supervision of qualified medical personnel, no one cared about his health. On the way to the Airport, in the bus, he felt bad, as the bus had no air conditioning. Regardless of numerous pleas, the militiamen did not let him get off the bus to breathe some fresh air. Moreover, during the entire journey, the militiamen did not allow the passengers even to slightly open the windows. Finally, when the bus approached the Airport and when Togonidze's health condition was drastically aggravated, he was allowed to get off the bus but it was too late: he made several steps, fell and died.

The applicant complains of violations of the following provisions: Article 2 (the right to life) and Article 3 (prohibition of torture) of the European Convention; Article 1 of Protocol No. 7 to the European Convention (procedural guarantees for aliens facing expulsion); and Article 13 of the European Convention (the right to effective remedy).

- **Kirakosyan vs. Georgia**

The applicant's son Rodion Kirakosyan died as a result of a scuffle that happened on 16 September 2001 in Tbilisi. On 17 December 2001, the Isani-Samgori District Prosecution Office opened a criminal case on the fact of Rodion Kirakosyan's intentional murder. On 4 November 2005, Araik and Sergo Matinians were charged under Articles 19 and 119 of the Criminal Code of Georgia (attempted infliction of heavy injury to health that resulted in death). On 28 July 2006, the Prosecution Office concluded a plea agreement with Araik and Sergo Matinians.

The applicant asserts that her son is a victim of violation of Article 2 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, since the investigation of case was primordially biased and did not serve ascertainment of truth and punishment of those responsible. The applicant also complains of violation of Article 13 in connection with Article 2, she as the aggrieved party had no adequate possibility to effectively participated in the investigation process, not to mention her full neglect in the process of concluding the plea agreement.

The application's registration number is 9462/07.

ALTERNATIVE REPORTS

For the purpose of submitting alternative reports to international supervisory institutions, GYLA, in cooperation with non-governmental organizations operating in Georgia, has prepared an alternative report for the submission to the United Nations Committee on the Rights of the Child. The part of the report that GYLA prepared concerns matters of juvenile justice: reduction of the minimum age for criminal liability, the zero-tolerance policy, conditions of juveniles in penitentiary institutions, the right to assembly and associations, etc. Together with representatives of non-governmental organizations, Chairman of the Georgian Young Lawyers' Association presented the alternative report to the United Nations Committee on the Rights of the Child in October this year.

In parallel with strategic litigation and submission of alternative reports to international supervisory institutions, GYLA continued successful activities at the national level:

1. On 2 May 2007, the Tbilisi City Hall upheld a complaint authored by the Georgian Young Lawyers' Association. The Supervision Service City Branch was therefore ordered to release public information that they refused to release before to GYLA (in particular, copies of resolutions ordering the dismantling of unlawfully built objects in Tbilisi).
2. We challenged Order of the Acting Rector of the Technical University No. 9 dated 6 February before the Ministry of Education and Sciences of Georgia. According to the Order, graduate students had to pay 9 Lari to receive their diploma and its annex, documents certifying completion of high education. In the course of administrative proceedings, the defendant (the Technical University) admitted the unlawfulness of the mentioned act and declared it void. Therefore, based on the Order of the Minister of Education and Sciences of Georgia No. 157 dated 1 March 2007, based on Article 192 of the Administrative Code, the administrative proceedings concerning our complaint were terminated.
3. The Ministry of Education and Sciences of Georgia paid material and moral damages to T.Ts. and E.Ts. in the amount of 95,000 Lari.
4. By a court decision, the Police Academy of the Ministry of Internal Affairs of Georgia was ordered to pay to L.S. damages in the form of lost income in the amount of 14,440 Lari.
5. The Appeals Court acquitted D.O. who was convicted and ordered imprisonment for 3 years by a first instance court. D.O. was released from the courtroom.
6. For keeping the convict Q.K. unlawfully detained for one month and 23 days, a former judge of the Tbilisi City Court Criminal Cases Panel and former officials of the Ministry of Justice Penitentiary Department who were obliged by law to take action for the release of Q.K. from unlawful detention, were brought to criminal liability.
7. On 27 October 2006, Chief of Investigation Group of the Criminal Investigation Department of the Mestia District was convicted by the Mestia District Court on charges of unlawful detention of Revaz Tsalani and was ordered imprisonment for the term of 5 years. The famous police officer Temur Gvaramia was also found guilty on charges brought against him and was ordered payment of a fine to the State Budget in the amount of 10,000 Lari. One of the convicted persons, T. Chiqovani, appealed against the aforementioned judgment before the Kutaisi Appeals Court and requested handing down of an acquitting judgment. The judgment of the Kutaisi Appeals Court dated 1 March 2007 left the Mestia District Court judgment dated 27 October 2006 in force unchanged.
8. V.S.'s lawsuit was upheld: a protocol on administrative violation issued by Ltd "KazTransGas" and fining V.S. with 600 Lari, was cancelled.
9. On 1 August 2007, the Appeals Court partially upheld N.K.'s appeals lawsuit; Order of the Chairman of the Achara AR Government No. 20 dated 21 February 2007, by virtue of which N.K. was dismissed from office was declared void. Further, the Chairman of the Achara AR Government was ordered to issue, within one month after being served the court decision, a new administrative-legal act reinstating N.K. in his former workplace. According to the Appeals Court decision, Applicant N.K. shall be reimbursed full amount of his lost salary.
10. By its decision dated 20 August 2007, the Poti City Court fully upheld GYLA's lawsuit and cancelled six acts issued by the Poti Tax Inspection on fining citizen Kalandarishvili in total with 7,200 Lari.
11. The Gori District Court upheld Gela and Ilia Koshoridzes' request cancelling protocols on administrative violation by virtue of which they had to pay 200 Lari each (the protocol on administrative violation

was stating that Gela Koshoridze allowed his underage son Ilia Koshoridze to drive a car and the latter was driving the car without a technical passport and a driving license).

12. A GYLA lawyer obtained evidence corroborating that the place where certain individuals chopped firewood did not fall within the category of protected territory. Consequently, the protocols on administrative violations were drawn up in violation of law that resulted in handing down an unlawful judgment by the court. The judgment was challenged before the Tbilisi Appeals Court, which concurred with the appellants' demands concerning revision of the first instance judgment and alteration of the imposed fines. The Appeals Court replaced the 508 Lari fine with a 50 Lari fine (Article 66(2) of the Administrative Offences Code of Georgia: "extracting firewood without appropriate legal permission).
13. The GYLA Legal Aid Center is providing attorney services to citizen M.P. and protecting his rights and lawful interests. M.P. was charged with giving contradicting testimonies (Article 3711 of the Criminal Code of Georgia) and ordered pre-trial detention. The court established a probation period of 1.5 years and released M.P. from the courtroom. As an additional punishment, the court unlawfully imposed payment of 800 Lari to the State Budget. GYLA challenged the first instance court decision in its fining part before the Appeals Court.
14. Attorneys of the Kutaisi Office of the Georgian Young Lawyers' Association, within the project "No to human trafficking!", provided attorney services to a citizen of Russia V.Ch. who was exploited by citizen of Georgia K.G. The latter is charged with recruitment, transfer and exploitation of a human being (a crime envisaged by Article 1431 of the Criminal Code). In 1998, Russian citizen V.Ch. was brought to Georgia, deprived of his identification documents and forced to work during this entire period in K.G.'s family as a home servant. The Senaki District Court, by its judgment dated 24 May 2007, found K.G. guilty of commission of a crime under Article 1431 of the Criminal Code sentencing him to 5 years and 6 months imprisonment.
15. The GYLA Legal Aid Center provided legal services to citizen D.O. who was charged with attempted theft of bricks with a total value of 25 Lari and 50 tetri. The case was heard by the Criminal Cases Panel of the Tbilisi City Court, which found D.O. guilty of attempted theft (Articles 19 and 177 of the Criminal Code) and sentenced him to imprisonment for 3 years. GYLA challenged the judgment under appeals rule. The Appeals Court heard the appeals lawsuit on 30 March 2007. The Appeals Court cancelled the convicting verdict of the Tbilisi City Court Criminal Cases Panel and handed down an acquitting judgment. D.O. was released from the courtroom on the basis of Article 7(2) of the Criminal Code, since the damage inflicted was of an insignificant value.
16. The GYLA Legal Aid Center defended interests of 70 year old citizen V.A. He was convicted by the Dmanisi District Court under Articles 108 and 236(2) of the Criminal Code (intentional murder and unlawful purchase and storage of firearms) and sentenced to 8 years of imprisonment. As his health conditions aggravated, he was placed in the medical institution for convicted persons and prisoners of the Ministry of Justice. Aged 70, V.A. was completely blind, as confirmed by a medical report issued by a doctor. On 16 April 2007, V.A. was examined in an eye clinic. The medical examination showed that he had no prospects of recovery. A medical report thereon was obtained. Based on this medical report and Order of the Minister of Labor, Health and Social Protection No. 72, convict V.A. was released from serving the remainder of his sentence (6 years).
17. Dusheti Office of GYLA defended the interests of N.Ts. who asked for legal assistance in registering his immovable property (a land plot with a house on it) in the Real Estates Public Register. She complained that the Dusheti Registration Office of NAPR (National Agency of Public Register of the Ministry of Justice) rejected his/her request. GYLA assisting in drafting an administrative complaint, which the NAPR concurred with. The Dusheti Service of the NAPR registered N.Ts. as the proprietor of the said land plot and house.

In parallel with rendering legal aid, GYLA branches and regional offices, within the projects financed by Oxfam/Novib and the European Union, are paying special attention to finding solutions to problems existing in individual regions of Georgia. This activity has a crucial meaning in resolving region-level problems. The information provided herein clearly shows GYLA's important role in improving regional-level policies and eliminating shortcomings caused by subjective and objective reasons.

Kutaisi Office focused, among other priorities, on local self-governance problems. Field visits were paid to municipalities of Imereti, Racha, Samegrelo, and Svaneti. As a result of direct contact with the population it was made possible to identify problems in local self-governance and to propose solutions.

Activities of Kutaisi Office in the field of self-governance matters helped generate the idea to hold a meeting November this year in participation with Government representatives and independent experts for the purpose of elaborating proposals to perfect the local self-governance legislative basis.

Unlike Kutaisi, Achara region particularly displayed the problem of infringement upon private property. On 4 May 2007, based on an individual order of the Khelvachauri Sakrebulo no. 4/2, 1,200 proprietors were deprived of their ownership rights on land plots. A number of Khelvachauri district villages – Gonio, Makhinjauri, Sarpi, and Kakhaberi – approached GYLA Achara Office with a request for legal assistance.

Achara Office of GYLA is defending private property rights of 80 proprietors before the Khelvachauri District Court. We have filed a lawsuit against the Khelvachauri Municipality and requested cancellation of the said individual administrative-legal act. The court declared our lawsuit admissible for hearing on merits.

In January 2007, Ozurgeti Office of the Georgian Young Lawyers' Association and the Ozurgeti Municipality have concluded an Cooperation Memorandum. According to the Memorandum, GYLA Ozurgeti Office expressed its interest and readiness in elaborating proposals and recommendations on various matters of the municipality activities and submitting them to the local Sakrebulo. Advice was rendered to both local legislative and local executive authorities.

In accordance with the Memorandum, during the reporting period, the GYLA Ozurgeti Office:

- Provided advice to a lawyer, Bureau and the members of the Sakrebulo;
- Prepared conclusions and recommendations on each draft administrative act discussed at the Sakrebulo Bureau and made the available to each member of the Bureau. Notably, the Sakrebulo took a majority of GYLA's recommendations into account (especially, in the last months);
- In individual cases, assisted Sakrebulo commissions in preparing draft normative-administrative acts.

As a result of the cooperation between the GYLA Ozurgeti Office and the Ozurgeti Municipality, the Sakrebulo of the Ozurgeti Municipality:

- Considerably improved its work and tries to adhere to legal requirements in its day-to-day activities;
- Refused to approve and returned 23 draft legal acts back to the commissions for the purpose of their further improvement and re-submission for approval;
- Refused to introduce mandatory permits system to access the Municipality premises, thereby refusing to legalize unlawful actions of the Gamgebeli (governor);

Different matters of concern were revealed in the Shida Kartli region which borders the conflict zone (Tskhinvali region). During the reporting period, GYLA Gori Office's priority was to raise legal awareness among the population of the villages located in the vicinity of the zone of conflict and to monitor of the activity of Samachablo Temporary Administration.

During the reporting period, the Gori Office also continued provision of humanitarian assistance to the population of the conflict zone and monitoring of legal and financial activities of the Samachablo Temporary Administration. We have asked for information from the Government concerning the implementation of the Rehabilitation Programme financed by the European Commission, the implementation of the Governmental Resolutions No. 13 and No. 45 dated 17 January 2007 and 1 February 2007 respectively, and the humanitarian assistance provided to the zone of conflict. We are currently working on analyzing the received information.

Rustavi Office focused on domestic violence and consumer rights' protection problems. According to our statistics, the Rustavi Office is leading in the number of domestic violence cases processed.

During the reporting period, dozens of citizens approached the Rustavi Office concerning violations committed by the "United Distribution Power Company." A press-conference was held on the matter. A letter was sent to Georgian Energy Regulation Commission and the Ombudsman for the Protection of Consumers' Rights with a proposal to create a working group with a view of protecting the rights of consumers and helping resolve the existing shortcomings. The problem has been resolved for the time being. Fees for electricity (debts) unlawfully charged to Rustavi consumers were abolished.



Violation of electricity consumers' rights by the Power Distribution Company was a major problem for the Telavi district. Our Telavi Office was approached by JSC "Kakheti Power Distribution Company" subscribers who stated that they lived in Telavi and were registered in a Unified Database of Socially Vulnerable Families. They had received vouchers to compensate for the electricity consumed. According to the subscribers, the vouchers were registered at the Telavi Service Center of JSC "Kakheti Power Distribution Company," however, they were unable to use vouchers. As a result of legal assistance rendered by our Telavi Office lawyers, with regard to the subscribers who were unable to use the vouchers for reasons beyond their control, JSC "Kakheti Power Distribution Company" was made to set off the voucher values against the current debts of the subscribers.

PROJECT "STRENGTHENING THE ROLE OF VILLAGE ASSOCIATIONS IN DEVELOPING GEORGIA'S DEMOCRATIC PROCESSES" (STAGE)

The project aims at protecting human rights and strengthening civil society in villages of Samtskhe-Javakheti and Kvemo Kartli regions. The project objective is to build village associations' capacity by improving organizational management and raising professional skills



of their employees. The project facilitates the village associations in establishing effective contacts with both the local authorities and civil society organizations.

The project raises awareness between stakeholders and establishes close relations among potential partners such as nation-wide associations, civil society institutes, and the private sector.

The project is financed by the foundation “Austrian Development Foundation” and implemented in Caucasus by CARE Austria and Care International. Along with the Georgian Young Lawyers’ Association, the project is implemented by:

- International organization CIVITAS Georgia; and
- Civil Development Agency.

At the starting stage of the project, the current development level of the village associations existing in Kvemo Kartli and Samtskhe-Javakheti was assessed (needs assessment). In the course of the needs assessment, 80 representatives of villages from both regions were interviewed. Based on the research and best results, target associations in Kvemo Kartli and Samtskhe-Javakheti were identified (16 associations in total). Local residents of Kvemo Kartli and Samtskhe-Javakheti were interviewed to determine their attitude to and cognizance of the selected 16 village associations. Using a specially designed questionnaire, organizational development level of the selected 16 associations was assessed. Detailed information was obtained concerning the founding, management, organizational resources, labor culture, and other important questions relating to these associations. A separate assessment of the 16 selected associations’ needs was also conducted.

In the course of the project implementation, legal problems faced by the village associations were revealed. During the reported period, we identified and analyzed internal documentation of the associations vis-à-vis the existing legal rules. The documents were analyzed from legal point of view. Proposals on recommended amendments to the documents were prepared.

During the reporting period, we requested and analyzed information from all municipalities of the Kvemo Kartli and Samtskhe-Javakheti region. The information obtained was used in preparation of a research paper “Local economic development and ongoing processes in Samtskhe-Javakheti and Kvemo Kartli regions.”

Within the project, we conducted 4 trainings for representatives of the village associations on various legal issues. A total of 60 representatives of the village associations attended the trainings.

The project envisages rendering free legal assistance to members of the village associations.



Raising legal awareness is an important precondition for each individual to have an understanding of his rights and freedoms and to be in a position to use them effectively. Awareness raising campaigns in the last years included roundtables, seminars and trainings for public officials, legal counsels, non-governmental organizations and media representatives; field visits; newspapers insets; and auto tours. The statistics shown below clearly show the great willingness of the society to participate in such meetings, exchange ideas and discuss the current problems and possible solutions:

	Kutaisi	Achara	Gori	Rustavi	Ozurgeti	Telavi	Dusheti	Total
Seminars & round tables	213	80	31	15	11	20	11	381
Number of participants	2524	800	440	115	197	170	132	4378

At the seminars and roundtables, participants discussed almost all of the important legislative amendments enacted by the Georgian legislative body during the reporting period. In addition, the following topics were discussed:

- Procedures related to addressing the European Court;
- Freedom of information;
- Mechanisms for the protection of victims of domestic violence;
- Administrative proceedings;
- Local self-governance;
- Property restitution;
- Registration of title to real estate;
- Juveniles’ liability according to the Georgian legislation;
- Rights and obligations of a board of trustees;
- Rights and obligations of a person entrusted to perform someone’s assignment and rules of doing business by him;
- State supervision over the activity of local self-governance bodies;
- Administrative arrest.

Members of GYLA’s branches and regional offices organized and partook in meetings with population of villages and communities and conducted seminars for representatives of local authorities on different issues on agenda, mostly legal novelties, and rules concerning local self-governance.

When speaking of meetings and seminars, we should mention that an event and a discussion of the same pressing matter was arranged simultaneously in GYLA Central Office and in its regional offices. For instance, we followed this practice on 1 June, International Day of Child Protection, when all of the GYLA branches conducted the same event simultaneously: brochures on “Protection of juveniles from harmful influence” were distributed in high schools. Such large-scale events were conducted on 28 September – International Day of Freedom of Information.



FIELD CONSULTATIONS (AUTO TOURS)

During the reporting period, GYLA regional offices organized 6 auto tours to various regions of Georgia: Achara high mountainous region (Khulo, Shuakhevi, and Qeda), Chokhatauri high mountainous region, Kvemo Kartli region, Akhalkalaki and Ninotsminda, Racha high mountainous region, Samegrelo, and Upper Svaneti region. GYLA regional offices visited a total of 60 villages. About 1,000 individuals attended the consultations and discussion of problems. These events were planned and implemented within the Rule of Law project. The events were facilitated by members of various GYLA offices that helped understand and analyze problems existing in Georgia's region. Each route of auto tours included faraway regional centers and settlements (mostly mountainous areas) aimed at informing the population about new legislation. Auto tours further aimed at revealing problems specific to the given areas and planning intensive work to find solutions to them. Auto tours of this year are also important because GYLA visited regions (such Achara high mountainous region, Racha and Svaneti) that are often fully isolated from the outside world in winter periods and such consultations are a sort of a "luxury" for them. GYLA is planning to continue its work in this direction and will try to visit regions whose problems are unknown to wide society.

In October 2006, in participation by Ozurgeti Office and Gori Office, we arranged an auto tour to Chokhatauri high mountainous villages: Bukistsikhe, Upper Surebi, Middle Surebi, Zoti, Qvabga, and Nabeglavi. A total of 102 pieces of advice were provided. The local population expressed its interest in matters of land privatization, advantages prescribed for high mountainous regions, registration of real estate, education reform, tax advantages, and social issues.

In October 2006, Rustavi Office held an auto tour to the following villages of Dmanisi and Tsalka districts: Guguti, Lower Orokhmani, Amamlo, Khachkoi, Gumbati, Jinisi, and Trialeti. These villages are populated by national minorities – Azeris. The local residents were mostly interested in privatization of agricultural land, provision of electricity, and eco-migrants resettled from Achara and Svaneti to here. Despite the fact that in Tsalka District each family has a individual electricity meter, the population is again forced to pay according to a communal meters. To help resolve this matter, lawyers from the GYLA Rustavi Office met with Deputy Gamgebeli of Tsalka and representatives of the "United Power Distribution Company."

Through 1 – 4 April 2007, our Kutaisi Office organized an auto tour to Ambrolauri and Oni municipalities of Racha region where they held meetings with both members of the local self-governance body and the population. Participants of the meetings stated that abolition of local self-governance at village, community, and town levels and their absorbance into a large municipality is a destructive process and leads to even wider cleavage between the government and the people and a direct contact between the two that guaranteed prompt and effective elimination of problems no longer exists. Village population is of the view one of their important problems is no clarity as to whom they should address to obtain required formal documents instead of the now-liquidated Sabrebulo and Gamgeobas. During the auto tour, 599 pieces of advice on legal matters were rendered.

In April 2007, our Gori Office arranged an auto tour to the following villages of Ninotsminda and Akhalkalaki Districts: Satkhe, Ojalari, Great and Small Prakali, Dumani, Mamtsara, Murekani, Khulgumo, Machatia, Aragva, and Poka. A majority of these villages is Armenians. This time the population was interested in issues related to local self-governance, implementation of the school reform, definition of the functions of the Board of Trustees, land



privatization, and registration of real estate. We distributed the GYLA-published information brochures. A total of 361 pieces of advice were issued. To resolve problems with the Power Company, lawyers of GYLA Gori Office drafted lawsuits for tens of citizens right on the spot. The lawsuits were to be submitted to the court with the expected outcome that fees for electricity supply unlawfully charged to the population would be written off. In July 2007, GYLA Kutaisi Office held an auto tour to Samegrelo – Upper Svaneti Region, Mestia and Zugdidi municipalities as well as villages of the Lenjeri, Latalia, Khaishi community. Meetings with the local population and members of the local self-governance bodies were arranged. The local residents expressed their interest in the following matters: assistance to persons below the poverty line, privileges prescribed for high mountainous regions, assignment of property to local self-governance units, use of forest, registration of cash machines, land privatization, obtaining a license to extract natural resources, birth registration, and social assistance to internally displaced persons. 273 pieces of advices were rendered.

SOCIAL ADS

To raise legal awareness and legal culture of the population effectively, within the Rule of Law Project financed by the European Commission, social ads were prepared on the topics of presumption of innocence, the right to life – facts of exceeding official powers by law enforcement officials, and the rights of juveniles by the time of their arrest. These ads were aired for a long time period through the Georgian Public Broadcaster and television companies "Imedi" and "Rustavi 2." The ads had a two-folded purpose: on the one hand, they were reminding members of the society of their rights and, on the other hand, urged law enforcement officials to refrain from exceeding their powers when discharging official duties – something that has turned into a widespread practice, unfortunately. Presentation of the ads was arranged by GYLA on 13 December 2006, within the framework of the Human Rights Week. The presentation was attended by Ambassador Per Eklund, Head of the European Commission Delegation who spoke about priority of protecting human rights in the country.

LIBRARY FOR PRISONERS

Within the same project, GYLA launched a campaign for collecting books for imprisonment institutions under the slogan "Let us collect books for prisoners." The idea of this initiative was to make the campaign a recurring event. For this purpose, we invited editors-in-chief from the most popular newspapers and magazines; in particular, magazines "Fingerprint," "Ozone," "Cinema," "Business," "Rating," "Mirror," and "Cosmopolitan" and newspapers "24 Hours," "Alia," "Chronicle," "Resonance," and "New Generation." These newspapers and magazines united into a coalition and promised to provide periodically, free of charge, their publications, which GYLA would then deliver to penitentiary institutions.

GYLA's call was responded by many, including publishing houses and the National Library. Many individuals came to our offices in person with books to deliver to prisoners. Some people were calling to our offices and the project teams were visiting them at home. Thousands of books were collected.

On 19-22 June, prison libraries received the first party of books through Public Monitoring Commissions. Having in mind that the campaign was aimed also at improving the functioning of libraries, GYLA purchased appropriate stationery goods too for the libraries. It is projected that the second party of books will be delivered to prisons in October.



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საქართველოს ახალგაზრდა იურისტთა ასოციაცია
იწყებს კამპანიას

"შევუგრძოვოთ ლიტერატურა პატიმრებს"

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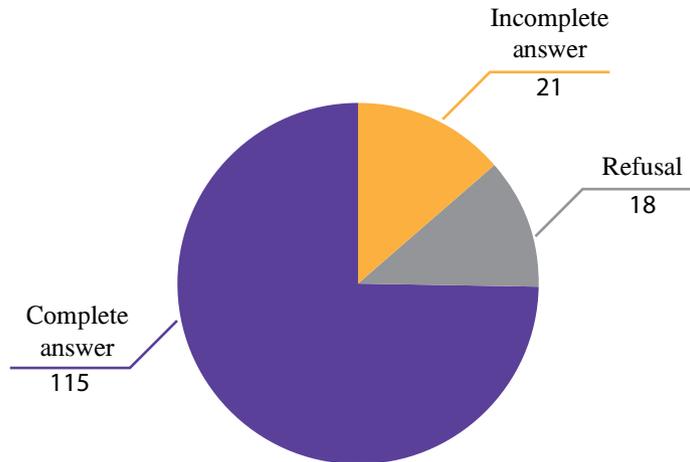
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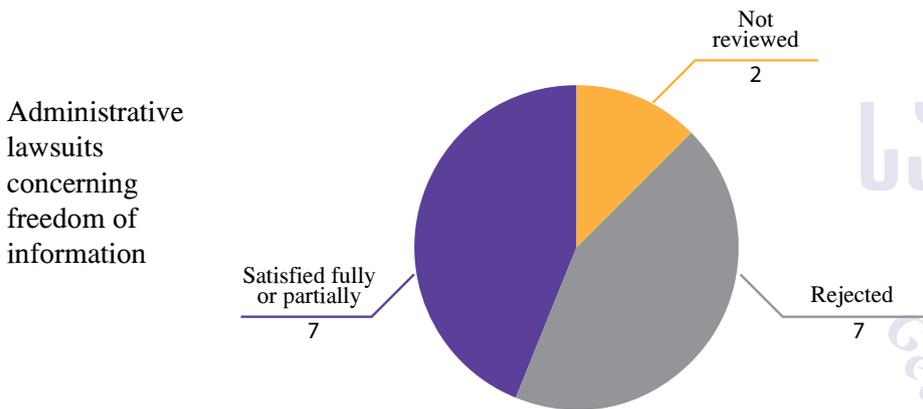
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Lawyers' Assoc

Contributing to effective, accountable, and transparent government is one of the strategic dimensions for the Georgian Young Lawyers' Association. With the financial support of the Open Society Institute, GYLA is actively trying to put freedom of public information into practice to ensure transparency of the work of public authorities. To that effect, in 2007, the Georgian Young Lawyers' Association implemented the following measures:

- Requesting public information. Within the project framework, we were systematically asking for public information from various public authorities. During 2006, we filed 154 applications with public institutions requesting the release of public information. Out of this figure, 115 applications were successful, 21 applications were partially satisfied, and 18 applications were rejected.

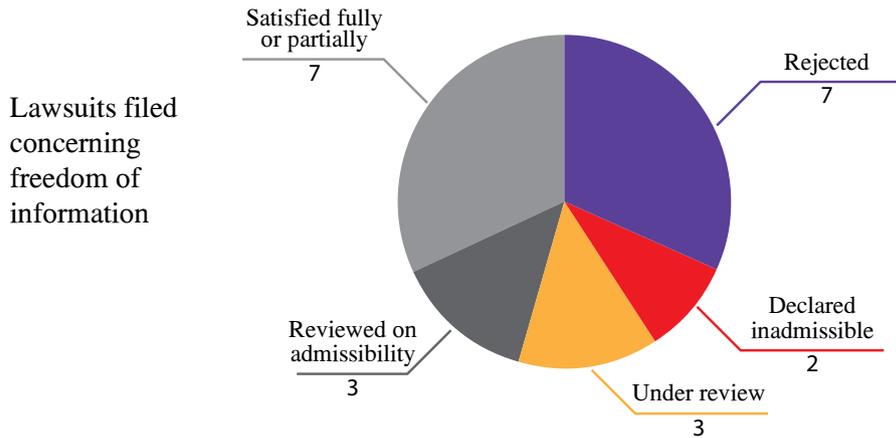


- Applying administrative litigation mechanisms. GYLA supported application of administrative appeals mechanisms in practice, to the best possible extent. To that effect, we were filing our administrative appeals lawsuit with both courts and higher administrative organs or administrative officials. During the year, for the purpose of putting the administrative appeal mechanism in effect, GYLA was addressing lawsuits to various institutions. In 2007, we filed 16 administrative lawsuits with various administrative bodies.

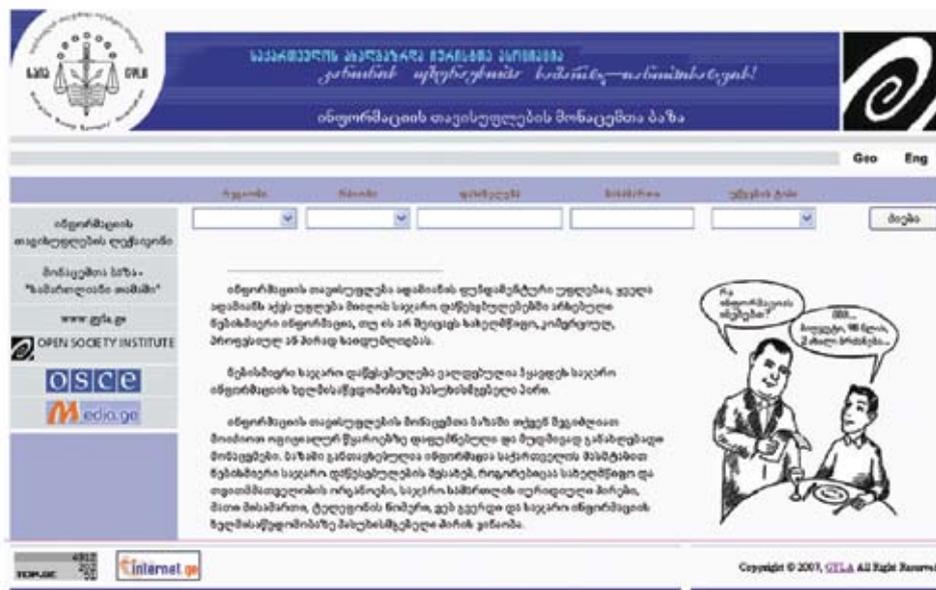


- Strategic litigation before the courts. To establish correct practices in the field of freedom of information, GYLA resorted to strategic litigation. To establish high transparency standards and uniform practice, in problem spheres such as applicability of Chapter 3 of the General Administrative Code to entities of private law (entrepreneurial and non-for-profit legal entities), GYLA was filing lawsuits with judicial organs. In

total, during 2007, 22 judicial decisions were handed down on GYLA's administrative lawsuits concerning freedom of information disputes.



- “Freedom of information in Georgia.” Within this project, GYLA prepared a report on the status of freedom of information in Georgia. The publication discusses freedom of information status in international law and the national legislation as well as problematic issues concerning freedom of information in national legislation and practice. The report offers detailed recommendations on how to eliminated the existing legislative shortcomings.
- Freedom of information databases. To facilitate public participation in the process of requesting public information, GYLA developed databases that would assist interested persons in obtaining public information. Within the project, we created a freedom of information database available at www.gyla.ge/foi that includes data on all of the public institutions nationwide. In addition, the database contains information on identity and contact details of persons responsible for making public information available. Within the project, we also developed an electronic dictionary that includes definitions of all of the terms related to freedom of information. The dictionary is accessible through Internet at www.gyla.ge/dictionary.



PROTECTION OF PERSONAL DATA

Personal data are nearly unprotected in Georgia for the time being. The current legislation related to protection, processing, storage and use of personal data is confined merely to declarative norms, which are systematically ignored in practice. The Law of Georgia on the Protection of Personal Data is under work. GYLA is actively involved in this process.

In order to resolve during the legislative process personal data protection-related matters in accordance with international standards and to elaborate a comprehensive and perfected legal act on the protection of personal data, we prepared a review of practice in foreign countries and an analysis of foreign legislation.

Within the project, we prepared and published an analysis of 9 foreign countries' legislation concerning the protection of personal data. The publication provides a detailed review of legal rules applied in Estonia, Latvia, Lithuania, Poland, France, The Netherlands, Germany, United Kingdom, and Hungary. Practices in these countries are particularly important as their legislation reflects European Union directives and regulations on personal data protection. Our research focuses on issues such as:

- Status and types of personal data;
- Rules of processing personal data;
- Control over the protection of personal data;
- Legal liability for violating rules of personal data processing; etc.

For better illustration, the research contains a scheme of comparative analysis where legislation of all the nine countries concerning personal data protection are compared with each other according to main criteria.



REPORT ON THE FINANCIAL MONITORING OF 2006 RESERVE FUNDS OF THE PRESIDENT AND THE GOVERNMENT OF GEORGIA

With the Open Society Institute's financial support, GYLA monitors spending of public funds by State institutions. Based on proper analysis of documentation ask for and obtained from public institutions, GYLA evaluates how

appropriately and purposefully public funds are spent, how the control mechanisms work in this field, etc. Within the anticorruption campaign entitled “The Georgian Government under the Scorching Sun,” we continued financial monitoring of Presidential and Governmental reserve funds. The monitoring revealed numerous violations in the course of spending the reserve funds. Monitoring was conducted in several dimensions: (a) legislative amendments affecting the reserve funds; (b) specific violations; (c) financing measures to eliminate consequences of natural calamities; and (d) mechanisms of control over reserve funds as budgetary funds.

Monitoring showed the following scenario:

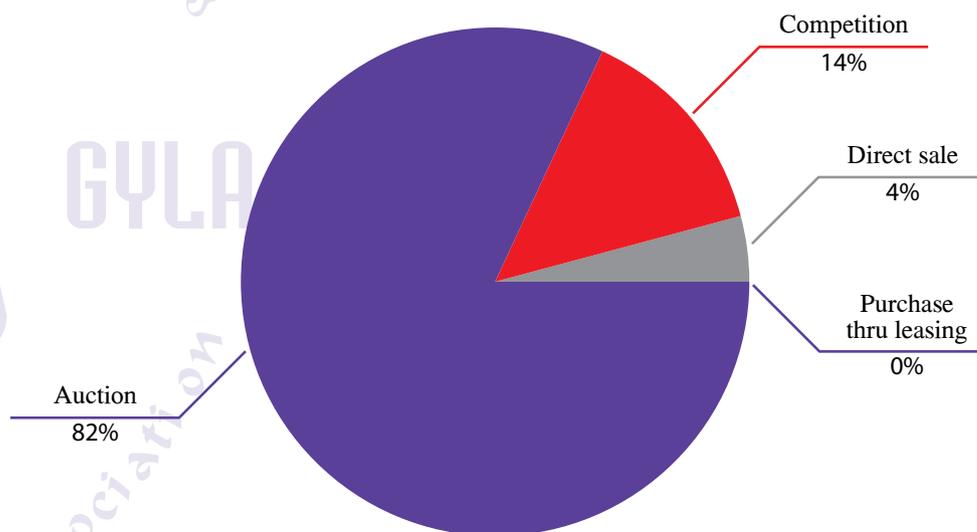
Violations in disposing of Presidential and Governmental reserve funds in 2006:

- “Overexpenditures” or the facts of spending above the limits of allotted sums. During the current year, like in previous years, the funds were spent in violation (excess) of allowed limits, due to arbitrariness of relevant public officials;
- Use of presidential and governmental reserve funds in 2006 for right purposes (such as elimination of consequences of natural calamities) made it clear that both calculation by the Government of damages inflicted by natural calamities and payment of the reimbursement is problematic since there is no agency in Georgia responsible for evaluating losses resulting from natural calamities. Consequently, it is virtually impossible to determine whether the Government reimbursement of damages is adequate.
- Results of the final monitoring showed that in Georgia we have no mechanisms for controlling lawfulness of and revealing violations in the process of spending budgetary resources. A proof of this fact is that, notwithstanding the numerous instances of violations of law revealed in 2006, none of the supervisory agencies mentioned about them.

PRIVATIZATION MONITORING

Due to its special importance, the process of transfer of State property into private hands in 2006 – 2007 was an object of our interest.

A general picture of the privatization process is as follows:



While studying the privatization process, we did not focus on lawfulness of alienation of specific large objects. Also, we were not intending to study the entire process. Our researched aimed primarily at clarifying the following three aspects:

1. Whether alienation of State property in a special form of direct sale is carried out within the frames of legal requirements;
2. Whether the new proprietors of the privatized property fulfill their obligations;
3. Whether the existing Georgian legislation excludes the possibility of making subjective decisions relative to privatization.

Our analysis of the situation led to the following conclusions:

1. Privatization in the form of direct sale is not carried out within the frames of legal requirements; the President of Georgia has been constantly violating the laws concerning alienation of State property;
2. New proprietors of the privatized property do not fulfill or do not fully fulfill their obligations under privatization contracts and in a majority of cases, the Ministry of Economic Development does not have documentation proving that the proprietors have fulfilled/are fulfilling their obligations;
3. The current legislation allows the possibility of making subjective decisions, which increases the risk of entering into corruptive arrangements. For example, President of Georgia sold 10 objects in accordance with the law, all of them under an exceptional rule. The established “practice” turned provisions of a general character into dead norms and exceptional rules into regularly applied norms.

MONITORING OF STATE ORGANS EXERCISING INTERNAL AND EXTERNAL CONTROL (CHAMBER OF CONTROL, GENERAL INSPECTIONS OF MINISTRIES)

Financial monitoring of public institutions carried out by the Georgian Young Lawyers’ Association for years showed the importance of exercising control over controllers of public institutions. GYLA became interested in the activity of State authorities vested with the power to supervise other State institutions. Results of our research showed that the current status, scope of powers and forms of activity of the Georgian Chamber of Control are not consistent with internationally-recognized standards and requirements of State control and, therefore, require proper reforming. In particular, matters of concern are as follows:

- Amendments to legislative acts governing the activity of the Chamber of Control often contradict the Law on the Chamber of Control. As a result, the Chamber of Control’s scope of powers is reduced;
- The Chamber of Control, in fact, is no longer able to discharge its function prescribed by the legislation and to coordinate between other supervisory organs in the field of finance and economy;
- The work of the Georgian Chamber of Control in terms of its expert evaluation of budgetary and other legislative matters and submission of reports, is ineffective;
- The Law of Georgia on the Chamber of Control of Georgia does not scrupulously prescribe the scope of Chamber of Control’s supervisory powers, a fact that in practice often results in unlawful check-ups or, vice versa, inability to check the institutions who it is obliged to supervise;
- Ineffective activity of the Chamber of Control is mostly caused by the following specific reasons:
 - Outdated forms of planning objects for check-up;
 - A great number of unplanned check-ups resulting in not conducting the planned check-ups;
 - Lack of qualifications of Chamber of Control officials required for carrying out proper audit.
- The Chamber of Control is not empowered to determine own budget – a fact that may be considered as reason for limiting its independence;
- The current forms of supervising the control activities of the Chamber of Control are ineffective;
- The Chamber of Control officials require improvement of their qualifications in pursuit of the ongoing reforms;
- The Chamber of Control must turn from a supervisory organ into an auditing organ.
- Concerning the mechanisms of control, our research showed a series of problems in this regard:
- Legislative basis governing general inspections (internal oversight bodies) is inconsistent with internationally-

- recognized principles of internal oversight;
- Legal acts governing the activity of general inspections are not based on uniform legal standards;
 - Functional and structural independence of general inspections is not guaranteed;
 - The draft law prepared within the National Anti-Corruption Strategy programme, is not consistent with the Strategy-defined purposes; therefore, it is necessary to prepare a new draft law;
 - The impression is that the State does not have the will to reform the general inspections in reality; the suspicion concerning the absence of such will is based on the State authorities' failure to carry out active measures to reform general inspections in accordance with the requirements of the Anti-Corruption Strategy.

THE ROLE OF GYLA'S REGIONAL OFFICES IN OBTAINING PUBLIC INFORMATION

Gori Office of the Georgian Young Lawyers' Association provided legal assistance to journalist Nino Dalaqishvili. She approached the Representative of the President of Georgia in Shida Kartli with a request to release public information. The journalist was asking for information on whether the Shida Kartli Regional Administration financed facade repair works of the living buildings located at Stalin Street in Gori. By decision of the Supreme Court of Georgia dated 21 March 2007, the Shida Kartli Administration was ordered to release the requested information.

Gardabani Registration Service of the National Agency of Public Register (NAPR) stated to certain citizens that they had to pay money if they wanted to receive public information. Disciplinary proceedings were initiated on the basis of an application filed by GYLA Rustavi Office. The disciplinary proceedings resulted in imposing a disciplinary measure – a strong reprimand – on Kakhaber Kareli, Chief of the NAPR Gardabani Registration Service.

Sakrebulo of the Gori Municipality violated the rule of decision-making by administrative bodies. In particular, sessions of the Gori Municipality Sakrebulo are not public as interested person have to go through the permits' bureau first in order to be admitted to sessions. This procedure was instituted based on an order of the Gamgebeli of the Gori Municipality, in serious violation of law. Despite numerous requests of GYLA's Gori Office, the mentioned violation continued until President's Representative Mikheil Qareli was dismissed from office.

Effective 28 March 2007, Gamgeoba of the Ozurgeti Municipality prohibited entry of citizens into the Municipality building without permits. Without issuing an appropriate administrative act and acting in excess of its powers, Gamgeoba instituted limitations to citizens' access to the building. The limitations could lawfully be instituted only by an appropriate administrative act, which could have been passed only by the Sakrebulo (the local legislative organ). However, by its decision, the citizens' right to receive public information, attend public sessions, and participate in the preliminary review of draft legal acts was restricted. It is noteworthy that the in addition to Gamgeoba, the municipality building accommodates Sakrebulo, Public Register, Education Resource Center and other public institutions.

The Georgian Young Lawyers' Association addressed the Ozurgeti Municipality Sakrebulo with a request to immediately stop the occurrence of exceeding officials powers by Gamgeoba officials. Our request was upheld and to-date the citizens can freely enter the municipality building without any prior permission.

INFORMATION DATABASE “FAIR PLAY”

For a successful implementation of an anticorruption campaign and achieving the highest effective results it is necessary to take into account the practice of foreign countries and methods of fighting against corruption that have entailed positive results. To acquaint with modern means of fighting against corruption, GYLA members, within a project on building a rule of law State financed by the European Union, visited an organization in Bratislava that carries out an anticorruption-type computer program. The GYLA members had a chance to familiarize themselves with the specificities of the program operation and brought back an English version of the program. Based on the English version, a Georgian analogue was created. In the program database we uploaded public officials’ property declarations, information on political parties and their sponsors, information on large entrepreneurs, information on State purchases carried out through a sole-source contracting method, and information on cases of privatization of the State property in the form of direct sale.



Presentation of the program was held on 28 September – International Day of Freedom of Information – in Hotel Tbilisi Marriott. A large spectrum of journalists, including a majority from the regions, attended the event. The forum was opened by the Deputy Head of European Commission Delegation and the OSCE representative in Georgia. The database is currently available at www.gyla.ge/fairplay. Due to the fact that the freedom of information situation is not still at the appropriate level and journalists are unable to receive required information often for months or even years, the database is expected to acquire a large number of customers, as has been stated at its presentation. Materials in which journalists and, in general, wide circles of the society are interested will permanently be uploaded into the database.



Project duration: 15 August – 15 December 2007
 Donor: The OSCE Mission to Georgia

Activities carried out within the project during the reporting period

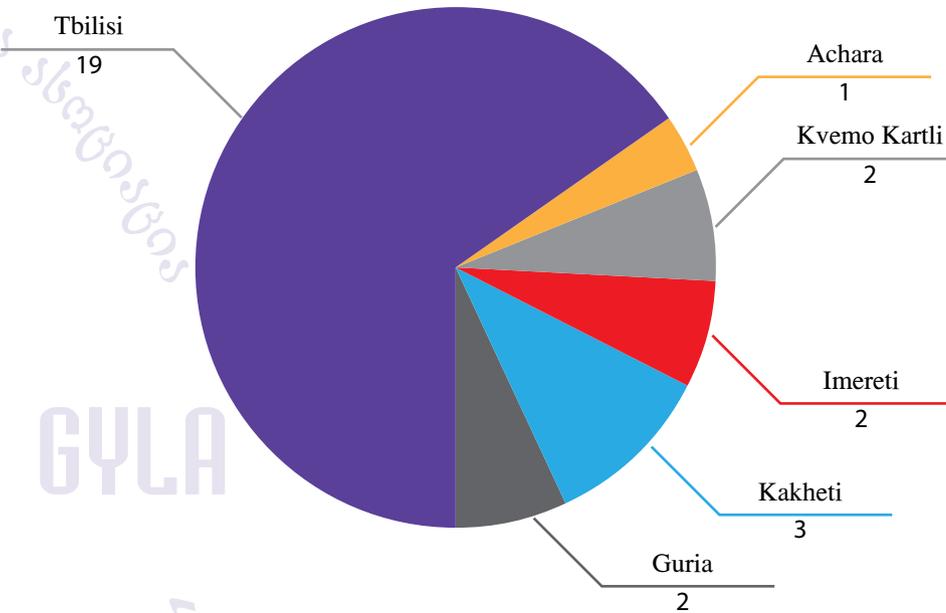
Phase I: International Freedom of Information Day – a forum for journalists

For the first time in Georgia, within the mentioned project, the journalists marked the International Freedom of Information Day. On 28 September 2007, GYLA arranged a forum for the journalists (<http://gyla.ge/?display=news&view=587>).

The objectives of the forum were:

1. To discuss the current freedom of information challenges with the journalists;
2. To make a public presentation of the database “Fairplay” (www.gyla.ge/fairplay);
3. To arrange a public signature of a letter concerning the draft Convention on Access to Official Documents elaborated under the auspices of the Council of Europe.

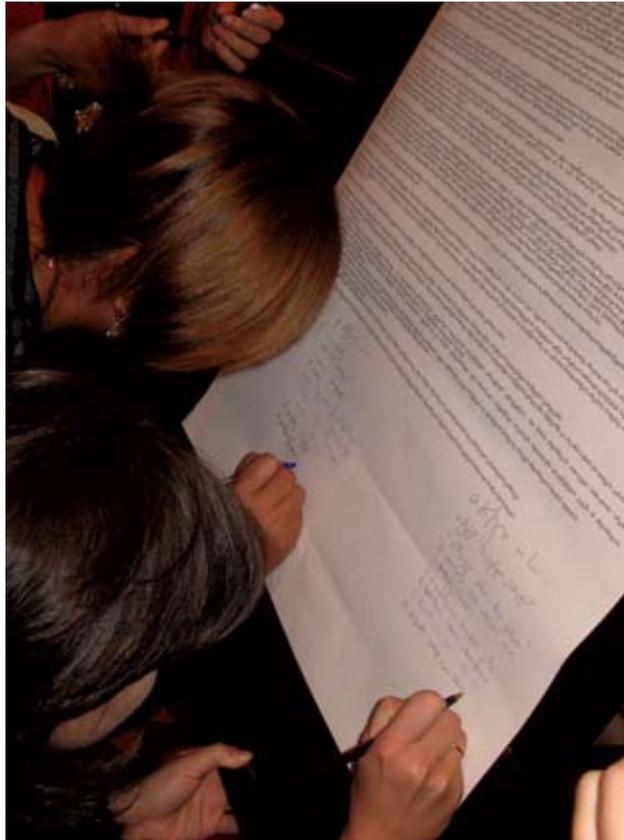
90 persons were invited to the forum; 60 individuals took part, out of which 32 were journalists from Batumi, Rustavi, Kutaisi, Gori, Telavi, and Tbilisi.



Representatives from the European Union, the OSCE, and the “Open Society – Georgia Foundation” also participated in the forum. The forum was opened by Mr. Giorgi Chkheidze, Chairman of the Georgian Young Lawyers’ Association, Mr. Guillaume Siemienski, Head of Human Dimension Office of the OSCE Mission to Georgia, Mr. Robin Lidel, First Counsellor to the European Union Ambassador, and Ms. Tamar Kaldani, Director of Law Programs of the “Open Society – Georgia Foundation”.

An interesting discussion concerning the problems faced by journalists took place at the forum. It was mentioned that freedom of information-related difficulties vary by regions. Negative aspects of the draft Council of Europe

Convention concerning freedom of information were discussed. It was stated that the Georgian legislation, like the legislation of many European Countries, sets much higher standards in terms of access to and freedom of information than envisaged in the draft Convention. Therefore, the forum participants signed a letter requesting the Council of Europe to take the already established standards into account.



With this forum, Georgia joined other organizations across the World marking the International Day of Freedom of Information. The International Freedom of Information Network published information concerning the journalists forum organized by GYLA (see www.foiadvocates.net/map2007/georgia.php). The journalists' event was actively broadcast by the Georgian regional media.



During the reporting period, the Georgian Young Lawyers' Association and its parliamentary secretary were actively involved in legislative processes in general. We prepared and forwarded to the Parliament of Georgia 21 conclusions concerning various draft laws. In addition, we submitted 3 legislative proposals to the Parliament concerning amendments and addenda to be made to various legal acts. In the current year, for the first time in GYLA's history, a GYLA-authored legislative proposal envisaging the right of the defense to make photocopies of criminal case files at the pre-trial investigation stage became a formal legislative initiative, which the Parliament of Georgia will be hearing in the nearest future. At the same time, we actively continued working on draft amendments to the criminal legislation.

The Parliament of Georgia initiated a draft law envisaging reduction of the minimum age for criminal liability from 14 to 12 years. The Georgian Young Lawyers' Association prepared a conclusion on the said draft law that provided an analysis of the draft law's consistency with the Convention on the Rights of the Child and other international legal instruments. To reinforce our findings, we included observations by competent experts into the conclusion and provided a comparative analysis of practice in European Countries. A particular attention was paid to the current situation of juvenile justice system in Georgia. Following the presentation of the conclusion, GYLA directed serious lobbying efforts to stop the passage of the draft law in the Parliament. We expressed our well-reasoned stance both in the Parliament and through media sources. Finally, the draft was adopted anyway as that was a pre-judged political decision, however, the entry into force of the amendments was deferred until the juvenile justice system is reformed (1 July 2008).

Within the criminal justice reform, a new criminal procedure code is being worked out. GYLA has been actively involved in the process of preparation of the new code. Our experts are members of the respective Working Group at the Parliament of Georgia. During the reporting period, numerous meetings, including two field visits, were conducted to discuss the proposed draft procedural code in detail. With GYLA's efforts, the draft was significantly perfected, about a hundred inaccuracies and shortcomings were corrected, contradicting provisions were rewritten and the draft thus developed into a relatively acceptable text. However, it should be mentioned that the new draft criminal procedure code still contains a number of seriously problematic issues on which a final agreement could not be achieved. On these issues, GYLA prepared a special letter to the Members of the Georgian Parliament describing both positive and negative sides of the draft code in a scrupulous manner. We are continuing with our active involvement in preparation of documents as well as with our cooperation with foreign experts, various international organizations and relevant State structures.

Further to that, very important proposed amendments to the Election Code are submitted to the Parliament of Georgia. The amendments concern inadmissibility of depriving convicted persons without discrimination of their active right to vote, limitation of hidden election ads by political parties, etc.

Our Legal Aid Center is an active participants of legislative processes as well. Members of the Legal Aid Center are periodically receiving information on important and major amendments to the legislation and are preparing legal conclusions on respective issues.

Conducting elections properly and fairly is a paramount precondition for establishing democracy in a country and building a rule of law State. To ensure fair elections, GYLA continued to participate actively in monitoring both the pre-election period and the elections itself.

Within the frames of a respective project financed by the National Endowment for Democracy (NED), GYLA monitored pre-election campaigning process in seven regions of Georgia: Telavi, Dusheti, Rustavi, Gori, Kutaisi, Ozurgeti, and Batumi. Lawyers of our regional offices observed both information broadcast or printed in the local media and specific events of direct or indirect propaganda type on the spot held by political subjects and local public officials.

On the monitoring results of the pre-election campaign, we prepared a separate report and distributed it to the Election Administration, political subjects, and representatives of international and local governmental and non-governmental organization. The report covered the following issues:¹

- Cooperation with local Election Administration, political subjects and media representatives;
- A list of buildings allocated for election propaganda and a schedule of election-related events;
- Participation by central and local public officials in pre-election campaigning;
- Use of administrative resource;
- Possible instances of making voters “financially/materially interested” (voter subornation);
- Informational support during pre-election campaigning;
- Violations during using sources of media for propaganda purposes.

ELECTION LEGISLATION ANALYSIS; MONITORING ACTIVITIES OF THE CENTRAL ELECTION COMMISSION (CEC)

- Within the project, we conduct analysis of the election legislation in order to identify its consistency with international standards. Based on the analysis, we elaborate specific recommendations. To that effect, on 8-10 June 2007, we organized a roundtable to discuss amendments to the Election Code of Georgia and came up with appropriate recommendations;
- In August 2007, GYLA addressed the Parliament of Georgia with a legislative initiative and, based on the aforementioned recommendations, proposed a specific draft law on amendments to the Election Code of Georgia;
- During the pre-election period, GYLA conducted several court cases against the Central Election Commissions concerning unlawfulness of certain decisions made by the Election Administration;
- On GYLA’s initiative, the CEC issued a special resolution (no. 37/2006) that laid down rules and procedures of voting by internally displaced persons (IDPs).

During the 2006 elections of local self-governance bodies, GYLA carried out its limited observation mission in Tbilisi, Kutaisi, and Batumi.

The 2006 local elections were observed in several ways: observation of the election process directly at election precincts (80 precincts in Tbilisi and 28 precincts in Batumi), observation at election districts level, and, as a majority, observation by means of mobile groups. GYLA had sent its observers to district election commissions and the Central Election Commission where they observed drafting of legal documents and decision-making process and rendered legal advice.

¹ See the report on GYLA’s webpage <http://www.gyla.ge/?display=news&view=380>

Based on the observation, GYLA observers provided oral advice concerning violations revealed. Should oral advice concerning violations been left unanswered, GYLA observers were preparing and submitting written complaints. In Tbilisi, Kutaisi, and Batumi our observers filed a total of 86 written complaints.

Following the completion of the observation mission, we prepared a special report² that we distributed to the Election Administration, political subjects, and international and local non-governmental organizations.

PRESENTATION OF MONITORING REPORTS OF THE PRE-ELECTION CAMPAIGN AND THE ELECTION DAY

Within the project, GYLA held a presentation of its reports on the monitoring of pre-election campaign and the Election Day attended by local non-governmental organizations, the Election Administration, representatives of political parties, and journalists in six regional centers of Georgia: Kutaisi – 9 January 2007, Ozurgeti – 10 January 2007, Batumi – 11 January 2007, Gori – 15 January 2007, Telavi – 17 January 2007, and Rustavi – 22 January 2007.



²See the report at GYLA's website <http://www.gyla.ge/?display=news&view=370>

IMPROVING TRANSPARENCY OF THE PENITENTIARY SYSTEM AND THE SITUATION IN THE PENITENTIARY INSTITUTIONS

The penitentiary system and its conditions still remain Georgian government's Achilles' heel concerning which representatives of the Georgian civil society as well as international supervisory institutions and foreign experts have made numerous remarks and expressed their concerns. Neither could GYLA stay indifferent to this problem. Since May 2007, with the financial support of the Organization for Security and Co-operation in Europe (OSCE), the Georgian Young Lawyers' Association is implementing a project entitled "Improvement of the penitentiary system and conditions in the penitentiary institutions," which is aimed at improving standards of human rights protection, keeping prisoners informed on their rights, and making legal remedies available to them. The project includes also a financial monitoring of the penitentiary system, in terms of checking lawfulness of spending State Budget resources by the relevant officials. Within the project, the GYLA representatives monitored penitentiary institutions of the Ministry of Justice Penitentiary Department. During the monitoring process, we observed the functioning of the penitentiary institutions, monitored living conditions in the institutions, and conducted individual interviews with the prisoners. Reports of the monitoring are currently under way. The reports will address not only problematic aspects of the penitentiary system in the reform process, but also positive aspects, of a slight portion, though. In particular, the largest problem for the entire system is its overload and improper conditions in the penitentiary institutions as well as inadequate medical assistance for prisoners – in violation of international standards.

GYLA successfully conducted a three-day practical training for 20 juvenile probationers from Tbilisi on practical law, criminal law, and human rights issues. A moot court in criminal justice was held with participation by these juveniles. These measures aimed at rehabilitation of the probationers and their provision with information on legal matters of their interest. The training proved to be particularly successful for juveniles who are preparing to enter Universities. The probationers' training ended with a social-entertainment event – they attended a movie session in a movie theater.



For the penitentiary system officials, within the project, we arranged translation of a handbook entitled "A Human Rights Approach to Prison Management" in which internationally recognized standards of penitentiary reform are presented in the form of practical guidelines.

Finances of the penitentiary system remain a problem on agenda to-date notwithstanding the fact that, compared to 2006, budgetary resources allotted by the State to the Penitentiary Department were significantly increased. Consequently, one of the priorities of the project is to continue financial monitoring of the penitentiary system, in particular, in terms of lawfulness and transparency of expenditure. To that effect, we approached the Ministry of Justice, the Penitentiary Department, the Ministry of Finance, and the State Procurement Agency with a request to provide us with various financial information, as public information. The received data are currently being analyzed. To inform the society about the conditions of the prisoners



and their rights, the Georgian Young Lawyers' Association prepared plots for social ads. These ads will appear on Georgian television channels in the shortest period. Further, within the project, we will issue booklets and brochures that will contain Georgian and international pieces of legislation concerning various legal procedures with a focus on the rights of prisoners.

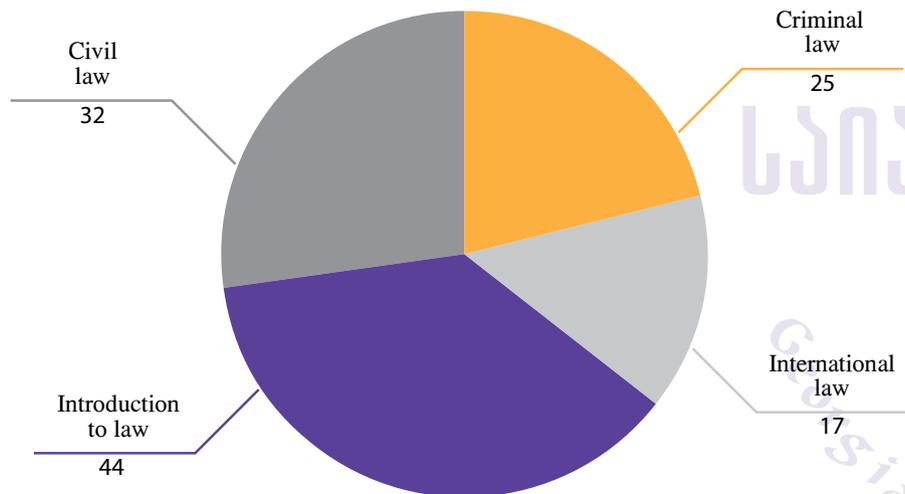


RAISING LAWYERS' THEORETICAL
KNOWLEDGE AND PRACTICAL SKILLS

Since the day of its creation, one of the major activities of the Georgian Young Lawyers' Association has been the caring for professional mastering of lawyers and raising their qualifications. Alternative tutorial courses, high-quality education, and competent lecturers provided by the GYLA Legal Education and Training Center before the Rose Revolution as well as its firm teaching position had great importance against the general background of factual absence of legal education in the country. Despite the fact that it is the third year already since the start of high education system reforms in the country and even certain progress, we still face problems that require effective solutions. A reformation period, which is always experimental and may be or may not be successful, constitutes a threat to young people who have to do receive their education right during this period. The Georgian Young Lawyers' Association has always been and will continue to care for professional growth of lawyers, as it has been successfully doing so for 13 years already. After 10 years of its life, GYLA took on the efforts to achieve higher objectives concerning legal education; in particular, to that effect, in 2005 it founded a Legal Education Facilitation Foundation entrusting students' education process to the latter. The Foundations has been actively functioning for three years already.



In October 2006, the GYLA Legal Education Facilitation Foundation announced admissions to learning courses in the following legal disciplines: criminal law, civil law, constitutional law, international law and introduction into law. Since the day the Foundation was created, the courses have been self-financed and independently sustainable. Last year, a fee for each 6-month period course was USD 200 equivalent in the national currency and was subjected to payment in two arrears. This year, 250 individuals applied for the courses. Following admission examinations (testing), 118 course participants were selected. Breakdown of the number of selected participants per discipline is as follows:



Year by year, the Foundation notably improves its teaching structure and takes students' views and recommendations in to account to the highest extent possible. The Foundation has developed a system of credits, which allows evaluation of attendance, performance of homework, drafting of legal documents, course works, and participation

in moot courts. It is without exaggeration that the teaching process at the Foundation is a comparable to a postgraduate (master) study course and constitutes a good basis for opening a law school.

Furthermore, the Foundation conducted debating courses in Tbilisi and through GYLA regional offices. In addition to Tbilisi, the courses were conducted in Gori, Rustavi, Batumi, Kutaisi, and Telavi and attended by about 80 individuals. In April, a tournament was held at both regional and national levels. 15 best speakers were selected. In the final round where teams from Batumi and Kutaisi were competing for victory, the Batumi team won. An English-language debate was held among the best speakers of whom 1 participant from the Tbilisi debates and 1 participant from the Batumi debates won. The winners were awarded by the Foundation with the possibility to participate in an international debate competition in China in which they partook successfully. The Foundation has established this tradition and will continue financially supporting winners of national competitions to participate in international competitions annually.

Mastering of practical skills plays an enormous role in developing into a full-fledged lawyer. To that effect, our learning courses include moot court competition. Each student attending the courses should mandatorily partake in moot court events. In May 2007, with the Foundation's support, our students held 3 imitated court proceedings in the building of the Supreme Court of Georgia, in criminal, civil, and international law. Each imitated litigation process was evaluated by jury composed of practicing judges, attorneys, and other experts according to the relevant legal field.

The past schooling year showed that adding moot court plays to each learning course as a separate discipline and not as a one-time event would lead to more effective results. The Foundation received this proposal from both the trainers and the students. The proposal was accepted and, starting the new schooling year, with the American Bar Association's assistance, each curriculum will include a special discipline "Lawyer's tactics in appearing before a court."

At the end of May, upon completion of the courses, 54 students passed a final examination (testing) successfully and were awarded diplomas. GYLA and its Legal Education Facilitation Foundation will issue them joint recommendations to facilitate their hiring at various vacancies.

LEGAL CLINIC PROGRAM

During the reporting period, a Legal Clinic Program was carried out by our Legal Aid Center. In particular, pre-selected graduates and students of the law faculty underwent a 6-month internship period. For this purpose, two competitions were held. We already released one group, while the other is currently attending the internship program. During the internship, they had to assist legal advisors and attorneys, record legal advice rendered by the Center, draft legal documents, and prepare written answers to incoming questions. On questions of interest to interns, the Legal Aid Center lawyers were conducting seminars to discuss existing shortcomings in the legislation and various issues related to court practice. According to their activity in the Center, interns are evaluated and recommended for employment in various agencies and organizations. As an example, we issued recommendation letters to some of the interns to assist them in being hired by the Ministry of Education and Sciences of Georgia, the Educational Resource Center, TBC Bank, and Forensic Examination Bureau.

It is worth to note, that in the last years, the number of individuals willing to undergo internship has significantly increased. At the last competition for the selection of interns, we received applications from 60 individuals. Considering the needs and resources of the Center, we were able to host only 20 people.

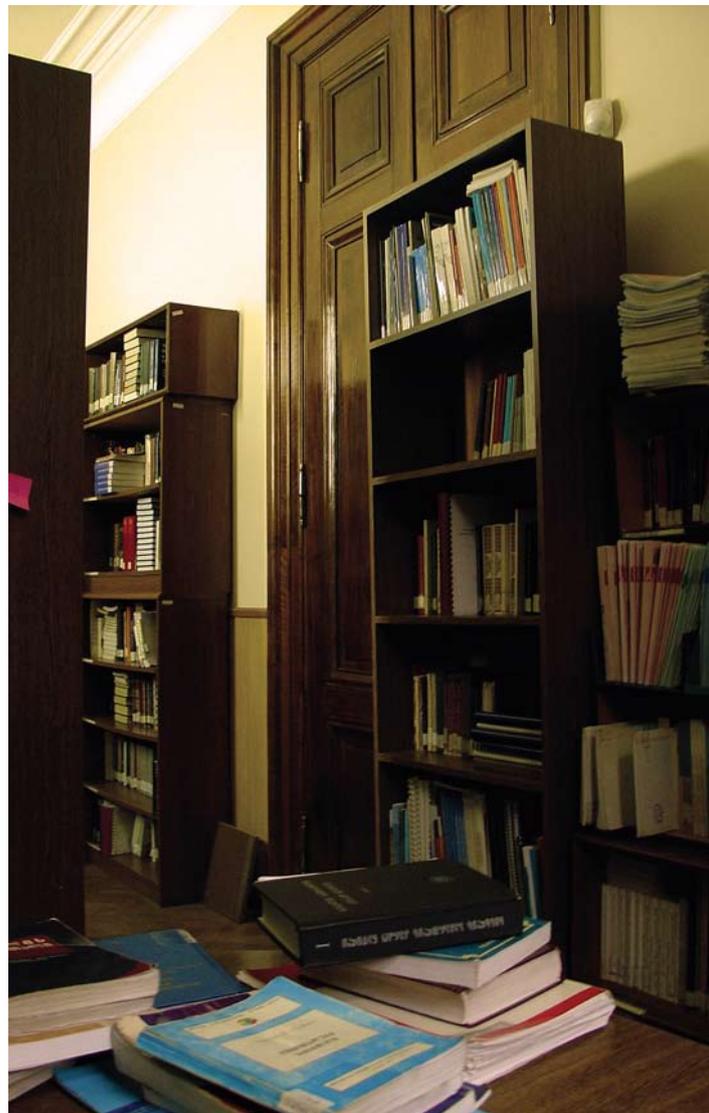
LIBRARY

One of the best legal libraries in Georgia has always been found appealing by lawyers of all ages. In 2007, we conducted a complete inventory check of our library. A total amount of registered books equals 10,969.

In March 2007, the library of the Georgian Young Lawyers' Association participated in a US Embassy-authored programme "Library Development Foundation," the aims of which is to facilitate development of libraries in Georgia. Within the mentioned project, GYLA received a grant of USD 2,000 with which we purchased new books. In selecting books for purchase, we took our employees' proposals into account.

Furthermore, in July, the coordinator of GYLA's Batumi Office library was trained in GYLA's library activities.

During the reporting period, on average 25 to 40 people were using our library services on a daily basis.



MONITORING THE 40-MILLION GRANT ISSUED BY THE COMPANY BP TO THE GOVERNMENT OF GEORGIA

With the financial support of the Open Society Georgia Foundation, with a view of monitoring transparency and appropriate spending of public funds, GYLA monitored the spending by the Government of Georgia of the 40-million grant issued by Company BP operating in Georgia. For this purpose, during the monitoring period, GYLA requested release of appropriate public information from the following institutions: Ministry of Finance of Georgia; State Treasury; Ministry of Labor, Health and Social Protection; Ministry of Education and Sciences; and Unified Social Insurance Fund.

Release of information was requested also from the Baku-Tbilisi-Ceyhan Company and audit company Deloitte & Touche LLC, which is responsible for auditing the spending of grant funds. Obtained responses were analyzed profoundly based on which we were determining a list of public institutions and matters that required stage-by-stage monitoring in terms of checking whether and to what extent expenditures within the grant funds were purposeful and procedurally correct.

During the reporting period, information concerning the spending of the grant money was analyzed thematically and in detail.

- Based on analysis of the obtained information, we prepared and published a report “Monitoring of the century project and the 40-million grant expenditure”
- During the reporting period, we prepared an expert conclusion concerning the fulfillment requirements envisaged by the Agreement between the Baku-Tbilisi-Ceyhan Pipeline Company and the Government of Georgia on the creation of a grant program for Georgia dated 26 July 2006, as amended. The conclusion discusses the amendments made to the grant agreement and their consistency with the established procedures for spending grant money;
- Within the program, we prepared a legal conclusion entitled “Legislative regulations of registration and spending of grants by the Georgian ministries and State agencies; shortcomings and corruption-inciting problems.” The conclusion discusses problematic sides of the procedure of spending grant funds by the State and reasons provoking corruption.

The program report “Monitoring of the century project and the 40-million grant expenditure” and the expert conclusions were presented to broad society on 19 December 2006.

On 11 August 2007, a meeting with representatives of non-governmental organization operating in Achara was held within the project. The Georgian Young Lawyers’ Organization and other founding members of the coalition “For Transparency of Public Funds” provided the participants with information on the project and the specific activities carried out by the coalition.



Fight against slavery and forced labor remains a priority for the international community. Despite the numerous international treaties in this sphere and the world community’s active and decisive measures to that effect, unfortunately, facts human trafficking continue to occur frequently. For many objective and subjective reasons, the situation in Georgia in this regard is still unsatisfactory that has given the society an impetus to pay more attention to this phenomenon. GYLA, one of the prominent civil society organizations, carries a leading and important role in this active and uncompromised struggle.



Through its appointed representative, GYLA is a party to the “Inter-Agency Coordination Council on Measures against Human Trafficking,” who was one of the key figures in drafting the 2007-2008 Anti-trafficking Action Plan.

1. Provision of victims of human trafficking with legal services through the GYLA Legal Aid Center. During the reporting period, our legal aid centers in Tbilisi, Kutaisi, and Batumi rendered legal assistance to both victims of human trafficking and individuals planning to go abroad for employment or study purposes and wanting to have their contractual arrangements with the employer or the education institution double-checked. Legal assistance was rendered to 152 individuals. In addition, GYLA lawyers were defending interests of victims of human trafficking in 14 criminal and civil cases.
2. In the aspect of raising public awareness of measures against human trafficking, the following activities were carried out:
 - Five anti-trafficking television ads were produced and broadcast on Georgian television channels yearlong;
 - Booklets entitled “No to human trafficking!” were drafted, printed and distributed. In two languages – Georgian and Russian, each booklet describes the crime of human trafficking and its consequences and lists the rights and obligations of victims of human trafficking as well as actions required not to become a victim of human trafficking. In addition, each booklet includes hotline numbers of GYLA and appropriate State institutions, contact information of Georgian consular offices and embassies in abroad, and contact information of non-governmental organizations in foreign countries working on anti-trafficking matters. The booklets were distributed to the population. Message boards were installed in Tbilisi Airport, Sarpi customs checkpoint, and Vale customs checkpoint. Furthermore, the booklets were handed to the Civil Registry Agency of the Ministry of Justice of Georgia and organizations working in the field of human trafficking.
 - GYLA announced a competition in anti-trafficking for school students that focused, in particular, on what trafficking is, how it emerged, and how to fight against it. Students from final grades of any high school across Georgia could take part in the contest. Winners were awarded prizes having monetary value. The purpose of this initiative was to make the students and their parents understand the threat posed by human trafficking and to serve as an early warning from falling into traffickers’ trap. Around 260 theses were produced that were afterwards evaluated by a commission. The 10 winner students were awarded certificates and prizes having monetary value.

3. To implement the project in an effective manner, GYLA cooperates with the ad hoc Inter-Agency Commission for the Fight against Human Trafficking, the Prosecutor-General's Office, the Anti-trafficking Foundation, various ministries and departments, non-governmental organizations, and international organizations working on anti-trafficking matters.

Jointly-implemented sthenic actions against human trafficking led to the following results:

- According to recent annual report published by the U.S. State Department, Georgia climbed up into the first group of countries meaning that the Georgia is rigorously working to eliminate the trafficking problem;
- The Anti-trafficking Action Plan for 2007-2008 was adopted;
- A shelter for victims of human trafficking was opened and equipped in Tbilisi. Another shelter operates in the Western Georgia.
- Public awareness of the crime of human trafficking was raised;

A database of lawyers trained in identifying, assisting, and rehabilitating victims of human trafficking was created.



In addition to anti-trafficking measures, GYLA is actively involved in an anti-domestic violence campaign. Together with various non-governmental and governmental organization, GYLA played an important role in producing a draft law on “the prevention of family violence and protection of and assistance to victims of family violence,” which was adopted by the Parliament of Georgia on 25 May 2006. The law entered into force on 9 June 2006. For full-fledged and effective implementation of the law, it is important and required to inform the broad society on the new law and new protection mechanisms prescribed by the law. Project entitled “Prevention of family violence” served exactly this objective. In particular, the project envisaged measures for raising public awareness. Four information booklets were prepared:

1. “Victims of family violence are protected by law;”
2. “Victims of family violence and the Georgian legislation;”
3. “Protecting and restraining warrants;”
4. “Impact of family violence on juveniles.”

The project envisaged production of 3 television programs in the regions. One of the three television programs was produced and broadcast on a local channel in Kutaisi, the second program is scheduled to appear by the end of October 2007 in Gori, and the 3 program will be aired in November again in Kutaisi.

Within the project, GYLA monitored cases of litigation in law enforcement and judicial organs concerning family violence. The research was aimed at revealing how effectively the new Law on the Prevention of Family Violence and Protection of and Assistance to Victims of Family Violence started functioning in Georgia; in particular, how often the victims of family violence resort to protective measures envisaged by the Law (protecting and restraining warrants). The research is based on information formally obtained from law enforcement and judicial bodies and covers data from Tbilisi, Imereti region, and Shida Kartli region. It covers a period between September 2007 – June 2008. The research was translated into the English language and published as a booklet.



In May 2007, the Georgian Young Lawyers’ Association implemented a project within which, together with an international human rights center EQUITAS, it organized a regional meeting on “Violence against women.” Ms. Yakin Ertürk, UN Special Rapporteur on Violence against Women delivered a speech concerning mechanisms of human rights protection. The purpose of the project was to protect women from violence and, to that effect, to enhance relations among the South Caucasus countries (Armenia, Azerbaijan, and Georgia). It further aimed at revealing reasons of women becoming victims of violence.

The project’s primary direction was to find solutions to the problem of family violence, in particular:

- Finding out the reasons of family violence in South Caucasus and ways to protect women’s rights in this region;
- Establishing firm relations among the non-governmental organizations operating in South Caucasus to eliminate violence against women in the regions;
- For the purpose of implementing the United Nations Resolution No. 1325, popularizing development strategy and ensuring that women’s rights are protected before a conflict and after a conflict.

Alliance “Future without Poverty,” which was formed in Georgia in 2005 and unites about 60 non-governmental organizations, is part of a global alliance known as GCAP (Global Call to Action against Poverty), the largest movement in the world.

Within the project, from October 2006 till July 2007, we were involved in researching the unified database of socially-unprotected families and strategic documents that the ministries had to elaborate, which should have articulated millennium development goals and specific steps to achieve these goals. Within the project framework, we obtained public documents from all the ministries (except for law enforcement institutions) and monitored the cases and questions that were incoming into our Legal Aid Center (both central and regional offices) concerning problems with the unified database of socially-unprotected families.

On 25 July 2007, a roundtable entitled “The most active and the most passive State agency for the purposes of millennium development goals” was held. Representatives from all of the ministries and members of the coalition “Future without Poverty” were invited to the roundtable. The monitoring report was presented. The Ministry of Education and Sciences and the Ministry of Health turned out to be “the most active State agencies”, and the title of “the most passive State agencies” went to the Ministry of Culture and the Ministry of Energy.

Within the project, on 17 October 2007, the coalition “Future without violence” held a propaganda-concert, in which the following musical bands and singers took part:

- 33a
- Bakur Burduli
- Zumba
- Pancho
- Salome Korkotashvili
- Frani



Internally displaced persons (IDPs), their conditions and problems have been and remain a matter of care by GYLA. Project entitled “Strengthening dialogue between the State and the civil sector with a view of solving housing problems of densely-settled internally displaced persons,” financed by the European Union, is implemented by the Danish Refugee Council along with the Georgian Young Lawyers’ Association and 4 partner organizations. The main goal of the project is to find sustainable housing solutions for internally displaced persons through strengthening dialogue between the civil society and the Government and raising public awareness.

MOBILIZING THE INTERNALLY DISPLACED PERSONS LIVING IN AREAS OF COLLECTIVE SETTLEMENT TO LEAD THE DIALOGUE ON HOUSING ISSUES

The coordination group selected 60 objects densely populated by IDPs using the following criteria: 30 objects having high privatization value and 30 objects being dilapidated and commercially not attractive where about 100 or more IDPs lived. Pre-selected facilitators conducted informational meetings in areas of collective settlement and groups of active persons willing to work on these matters were formed. Members of the groups were invited to a 2-day training first, which served for planning the projected advocacy measures, followed by an additional 1-day training. The last training agenda was composed on the basis of the results of the first training and meetings through our regional networks. Participants discussed the ways to achieve the set objectives.

A CAMPAIGN DESIGNED FOR ENSURING A DIALOGUE WITH NATIONAL AND REGIONAL STATE AUTHORITIES ON HOW TO SHUT DOWN AREAS OF COLLECTIVE SETTLEMENT IN A TRANSPARENT AND FAIR MANNER

Following the two-day trainings on 22 May in Tbilisi, 29 May in Zugdidi, and 30 May in Kutaisi, regional meetings were held to discuss resettlement of IDPs from areas of collective settlement. Representatives from the collective settlement areas, Ministry for Refugees and Accommodation, local governance and self-governance bodies, and various international and local non-governmental organizations took part in the meetings.



On 26 July 2007, a main summary meeting was held in Tbilisi between the Minister for Refugees and Accommodation and the activists on the resettlement matter. A basic achievement of the meeting was the commencement of a dialogue between the IDPs and the State authorities. The IDPs had the chance to offer specific solution to the existing problems and receive answers to questions of interests directly from decision-making public officials.

LEGAL ADVICE RELATED TO MATTERS OF RESETTLEMENT OF IDPS

Project lawyers are providing IDPs living in areas of collective settlement with legal assistance as required, by regions. Within the project, the lawyers periodically



arrange visits to selected areas of collective settlement. By 27 September 2007, legal advice had been provided to 744 IDPs (including 483 individuals from areas of collective settlement selected within the project). The advice rendered concerned mostly questions of resettlement and registration/change of living address.

Within the project, 24 legal documents such as applications, motions, lawsuits, etc. were prepared. Some of the documents concerned the clarification of the status of collective settlement areas and the transfer of property rights to the occupied premises to the IDPs in the form of direct sale. These actions point to significant moves in a sense that are trying to put the received knowledge in practice.

PUBLIC AWARENESS RAISING CAMPAIGN ON INTEGRATION OF IDPS

With 2 partner organizations and 3 associated members, a Working Group on Public Awareness Raising was set up. The Working Group developed a strategy for raising public awareness on respective matters and a plan of implementation of the strategy.

To facilitate integration of IDPs, we are working on 3 social ads that will be circulated in the air of the Public Broadcaster since October.

MONITORING THE LAW-MAKING AND STRATEGY IMPLEMENTATION PROCESS

Within the project, we are monitoring the implementation of a President's program "My home." According to the letter of the Ministry for Refugees and Accommodation dated 20 June, only declarations are filled out at this stage of the program. By the latest data, 47,218 internally displaced persons have filled out property declarations.

As a result of joint efforts of the Georgian Young Lawyers' Association, other non-governmental organizations, and the Ministry for Refugees and Accommodation, an amendment was inserted in to the Order of the Minister of Internal Affairs of Georgia No. 495 dated 31 March 2007 "on measures to prevent trespassing or otherwise hindering with a lawfully owned or possessed immovable property." By virtue of the amendment, IDPs living in an area of collective settlement can no longer be evicted from such an area. The said amendment helped stop a series of proceedings for the eviction of IDPs from their collective settlement areas.

We prepared a recommendation on amending the Law of Georgia on Privatization of State-owned Agricultural Land;" if adopted, the draft amendment will enable IDPs to participate in special privatization auctions. Pursuant to the current text of Articles 3 and 13 of the Law, only the citizens of Georgia who are registered in community books of specific administrative-territorial units and settlements or are registered on the basis of their ID cards can take part in special auctions. Therefore, it is proposed to broaden the list of persons eligible for participation in special auctions by adding internally displaced persons who are registered by the Ministry for Refugees and Accommodation within respective administrative-territorial units.

Various measures implemented within the project have made it clear that the bringing out of IDPs from areas of collective settlement and payment of appropriate compensation to them remains one of the painful problems. Rights of IDPs are often violated in this process. Within the project, we prepared a recommendation on producing a new normative act that would regulate rights and obligations of all stakeholders participating in a resettlement process. For the time being, the project lawyers are working to draft rules of resettlement, which will then be forwarded to the Ministry for Refugees and Accommodation for its review.



Reporting period: 1 October 2006 – 30 September 2007

GYLA’s financial report covers the period between its 13th and 14th general assembly conventions. During the reporting period, GYLA received a total of 2,521,349.98 Lari from various sources, including contributions and membership fees. A breakdown of the total amount received according to sources is as follows:

Donors	GEL
ABA	19,520.41
British Embassy	13,100
CE	3,829.87
CRI	6,667.36
CARE	21,584.56
CILC	4,450.00
CORDAID	202,448.76
DRC	261,749.00
EC / Oxfam NOVIB	417,095.46
EHRAC	19,770.25
Embassy of the Netherlands	2,256.68
Germany Embassy	14,153.60
NED	30,465.00
OSCE	66,453.95
OSGF	100,003.13
OSI	51,475.95
Oxfam GEO	14,825.00
Oxfam NOVIB	862,925.13
USAID	402,754.37
Membership fees	2,246.50
Contributions from various individuals and legal entities	3,575.00

During the reporting period, 135 individuals were employed for non-single-type jobs, including 67 individuals in the regions, whose total reimbursement amount equaled 1,022,279.08 Lari. Single time royalties were paid to 306 individuals with a total amount of 179,204.57 Lari.

Income tax withdrawn on reimbursements and royalties paid to private persons amounted to 154,281.98 Lari. During the reporting period, GYLA purchased main assets totaling 69,103.53 Lari out of which assets purchased for the regions amounted to 21,373.00 Lari.

In the same period, we purchased various low-cost items valued a total of 23,020.20 Lari, including items valued 14,740.00 Lari for the regions.

In the mentioned period, books and various periodicals were purchased for the central office and regional libraries for 6,288.84 Lari.

On various seminars and events organized by GYLA in Tbilisi and regions 90,685.27 Lari was spent. Travel allowances (per diems) paid to GYLA employees and members during the reporting period amounted to 170,822.72 Lari.

Rent of GYLA offices constituted 51,790.74 Lari.

Communication costs incurred during the reporting period amounted to 39,296.82 Lari, including 16,141.43 Lari for the regions.

In the reporting period, total expenditures of the Georgian Young Lawyers' Association amounted to 1,936,153.28 Lari. The total expenditure according to cost breakdown is as follows:

Donors	GEL
ABA	27,697.70
British Embassy	13,006.19
CE	3,838.10
CRI	72.00
CARE	14,269.01
CILC	13,230.42
CORDAID	115,029.56
DRC	140,567.75
EC / Oxfam NOVIB	408,071.44
EHRAC	34,985.87
Embassy of the Netherlands	13,207.42
Germany Embassy	6,751.84
NED	65,753.65
OECD ³	6,474.13
OSCE	16,756.15
OSGF	65,381.14
OSI	79,900.21
Oxfam GEO	10,371.82
Oxfam NOVIB	539,998.66
UNFPA	296.76
USAID	357,976.76
Membership fees	2,246.50
Contributions from various individuals and legal entities	3,575.00

³ Contributions from OECD and UNFPA were received in 2005

Georgian Young Lawyers' Association
Summary Balance Sheet
 As of September 30, 2007

	<u>Sep 30, 2007</u>
ASSETS	
Fixed Assets	886,262.12
Other Assets	2,000.00
Current Assets	
Accounts Receivable	432,536.98
Current/Savings	860,599.21
Total Current Assets	1,293,136.19
Current Liabilities	
Other Current Liabilities	-4,345.60
Total Current Liabilities	-4,345.60
NET CURRENT ASSETS	1,297,481.79
TOTAL ASSETS LESS CURRENT LIABILITIES	2,185,743.91
NET ASSETS	2,185,743.91
Equity	2,185,743.91

Executive Director

[Handwritten signature]

Accountant



[Handwritten signature]

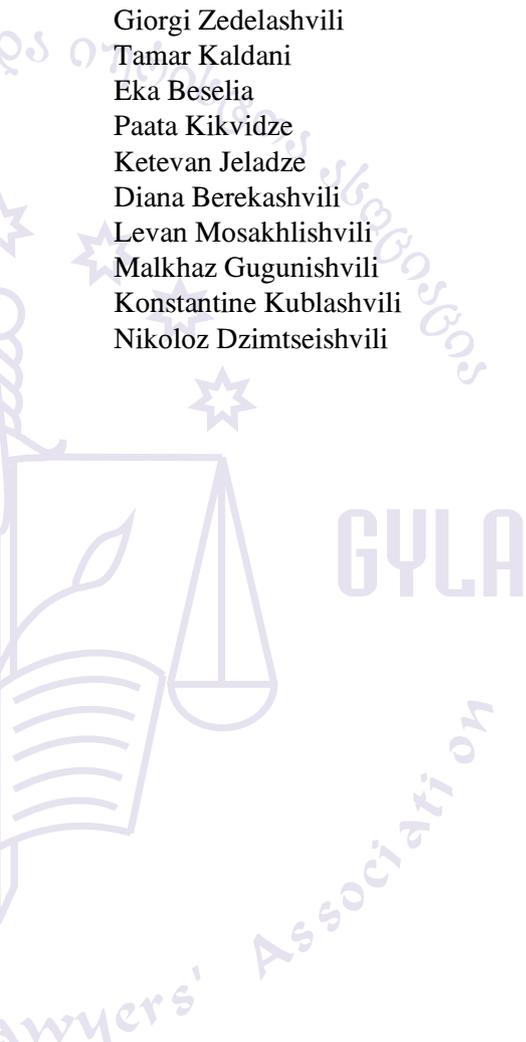


The Board Members

Giorgi Chkheidze – Chair man
 David Usupashvili
 Tinatin Khidasheli
 Lali Chkhetia
 Tamar Metreveli
 Anna Dolidze
 Besarion Abashidze
 Zurab Marakvelidze
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 Ketevan Jeladze
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 Levan Mosakhlisvili
 Malkhaz Gugunishvili
 Konstantine Kublashvili
 Nikoloz Dzimtseishvili

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 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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