



GEORGIA RULE OF LAW PROJECT

Quarterly Report

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Introduction

In addition to the activities described below under the relevant sections of the report, IRIS continued to be involved in anticorruption activities. IRIS experts had a meeting with representatives of the Security Council's Special Anti-Corruption Division during which the department's future plans for maximizing their efforts were discussed.

USAID selected IRIS as its partner organization for implementation of the first phase of its Anti-Trafficking in Persons activities. During the quarter, IRIS conducted meetings with some of the major players in the field (including the International Organization for Migration, the Organization for Security and Cooperation in Europe and the General Prosecutor's Office) to identify what activities are needed, how they should be implemented and by which organizations. Meetings with the General Prosecutor's office, which is responsible for prosecuting trafficking cases, resulted in a commitment on the part of the Prosecutor's Office to accelerate their efforts, in coordination with other government agencies, to prevent trafficking. IRIS is planning to hire an additional staff attorney who will be directly involved in the implementation of this segment of IRIS's activities.

In terms of grant administration, several agreements were concluded during the quarter. IRIS was also actively involved in USAID Rule of Law assessment meetings. IRIS continued to coordinate its activities with USAID and other international organizations. Through these partnerships, IRIS hopes to increase the efficiency of various U.S. government-funded projects.

TASK 1: Raising Public Awareness, Raising Public Confidence

GYLA

During the reporting period, GYLA continued implementation of various components of its public awareness campaign, which included seminars, workshops, roundtable discussions, town hall meetings and bus tours. GYLA successfully adapted its public awareness campaign to the changing environment within the Georgian government. One example of this is the special attention paid to government agencies and civil servants. The major factor triggering this approach has been massive civil servant changes, requiring that the new employees be quickly educated about fundamental human rights and freedoms, as well as more specific legal issues related to their fields of operation, such as freedom of information (FOI). On the latter issue, a series of meetings were organized in Chakvi and Tbilisi for representatives of both central and local governments. Participants discussed freedom of information and its importance in the democratic development of the country, types of classified information and appeals procedures, among other topics.

Another example was the quick response to provide awareness campaigns on recent legislative changes to familiarize the public with recent changes in legislation. Public awareness campaigns of this type are essential to protect civil liberties, as well as to generate public discussions on the problems that may arise due to the new legislation. In addition, such responsive campaigns contribute to better understanding of legislative innovations among professionals in the field, who can identify flaws in the legislation. The roundtable held on September 10th on *The Rights of Defendants and the Rights of Detainees* is a good example. This event was dedicated to recent procedural changes to the Code of Criminal Procedures of Georgia (plea-bargaining, as it is known in common-law systems). At the roundtable, criminal law judges, prosecutors, attorneys, representatives of the Ministry of Justice, members of the Legal Committee of the Georgian Parliament and NGOs discussed problems related to the implementation and deficiencies of this law.

Social and economic rights have remained one of the central issues of GYLA's public awareness campaign. Two seminars were conducted in Kutaisi and in Bakuriani on social security-related issues. The audience included heads of social insurance funds (local branches and departments) as well as NGO representatives working in the field. Participants agreed that insufficient state funding and inadequacy of the employees working in the field are major reasons for the sector's problems. Participants were provided with information on relevant legislation. Along with theoretical training, participants were given the opportunity to work on case studies.

The GYLA/Ozurgeti office organized a roundtable to respond to the needs of regional populations, which have been experiencing serious problems with land ownership-related issues. After collecting materials on actual cases, significant violations and corruption in the land privatization process became apparent, especially in coastal areas. The GYLA/Tbilisi office decided to hold a roundtable devoted to this problem and to invite local government representatives, land and property management departments, NGO representatives, journalists and victims of these corrupt practices. After heated discussion, state officials admitted that violations were being committed and promised to conduct an investigation of these cases with

adequate follow up. It was also determined that the general public should be actively involved in the investigation to ensure transparency in the process.

During the reporting period, GYLA continued to conduct town hall meetings for local communities. Target audiences included representatives of local government, NGOs, journalists, schoolteachers and social workers, among others. Subject matters included freedom of speech and expression, freedom of thought, conscience and religion, freedom of information, transparency of local budgeting processes, women's rights, juvenile delinquency and children's rights. GYLA, as they normally do, tailored the subject matter of the town hall meetings to the specific needs of each particular community.

GYLA concluded its bus tours during the quarter. The fourth and final bus tour covered northwest Georgia. Consultations were held in 15 communities within four regions: Tsiperji, Tsageri, Alpana, Chrebalo, Khvanchkara, Ambrolauri, Tkibuli, Satsire Dzevri, Terjola, Chokatauri, Khevi, Nabeglavi, Natanebi, and Ureki. The tour started in the mountainous regions and concluded at the coast. GYLA provided information to the communities on the mechanisms for human rights protection, social and labor guarantees, rights of detainees, freedom of religion, and the right to property and inheritance. Materials (brochures, leaflets, booklets, and calendars) were distributed among the participants. During the meetings, GYLA addressed the particular needs of the communities. For example, in Ambrolauri, the local community brought up problems that 70 families have been having in obtaining any support from authorities after having suffered from an earthquake. The GYLA/Kutaisi office will make an inquiry into this case. These meetings also revealed that the regional communities are concerned with the state's pension debts. GYLA will assist pensioners in getting their rightful payments. The bus tours, which covered almost the entire country, proved to be an effective means of reaching various, sometimes isolated communities of the Georgian public. The regional population, through its active participation, showed a strong interest in meetings of this type.

GYLA continued its publishing activities. The last issue of the journal *Almanakhi* is devoted to international law, including articles on human rights protection, conflict resolution, international treaty law and state as the subject of international law. In the book *Prohibition of Torture*, the authors analyze case law of the European Court of Human Rights (ECHR). The publication *Freedom of Assembly and Association* provides relevant jurisprudence of the ECHR. In the book *Compilation of the Georgian Private Law*, the authors present academic and practical, systematic analysis of Georgian private law, court and notary practice, closely related to the defense of social and economic rights of citizens. The leaflet *Notary Service and Notary Service Tax* provides an explanation of the role of notaries, rights and obligations of a notary and taxes for notary services. Due to the high demand for several leaflets that had already been distributed throughout Georgia, GYLA decided to re-print several publications. Therefore, additional printings were completed of the following leaflets: *Right to Property and Inheritance* and *How Should We Apply to a Court*. Furthermore, leaflets on *Available Remedies in Cases Where Human Rights Have Been Violated*, published in the last quarter, were distributed.

Throughout the quarter, GYLA continued working on newspaper inserts. The following articles were published:

1. *What Social Benefits and Aid Do We Have/Are We Entitled to – Important Information for Socially Vulnerable Persons*, Newspaper “24 Saati”, #161(710), July 9, 2004
2. *Notary Service and Tax for Notary Service*, Newspaper “24 Saati”, #179(728), July 30, 2004
3. *How Should We Participate in the Decision Making Process of an Administrative Agency?*, Newspaper “Erisioni”, #11, August 15-31, 2004
4. *The Term of Passport Validity Increased from 5 to 10 Years, What Is the Price of a Birth Certificate, Registration of Marriage and How Should One Behave When Civil Acts Registration Organs Bribe Us?*, Newspaper “Kakhetis Khma”, #23(73), September 6, 2004
5. *Commercial Activities and Joint Stock Companies*, Newspaper “Kakhetis Khma”, #24(74), September 13, 2004, part I
6. *Commercial Activities and Joint Stock Companies*, Newspaper “Kakhetis Khma”, #25(75), September 20, 2004, part II

GYLA also published sets of questions and answers in local periodicals:

1. Newspaper “24 Saati”, #221(770), September 17, 2004, questions and answers, 31 consultations
2. Newspaper “P.S.”, #33, September 27-October 3, 2004, questions and answers, 3 consultations
3. Newspaper “Erisioni”, #12, September 1-15, 2004, questions and answers, 5 consultations

Liberty Institute

During the reporting period, Liberty Institute (LI) successfully carried out the public awareness activities specified under their grant. These activities included press club sessions, roundtable discussions, workshops, youth debates, development of a citizen’s charter; educational course on freedom of religion and publications. Protection of human rights and an anti-corruption campaign were the priorities for the overall public awareness campaign during the quarter.

This quarter, LI continued with its press club sessions, but they were conducted in a new format to more adequately address the urgent problems of Georgia’s developing civil society. On July 30th, a press club session was held on recent constitutional changes and future judicial reform. The session was held at the Georgian Supreme Court jointly with ABA/CEELI and the Department of Justice. The jury trial system was introduced to the audience through a mock trial. A discussion followed the trial with moderation provided by invited experts. LI distributed the publication, *Draft Law on Jury Trials*, and reviewed it with participants. The event was well covered by media.

On September 24th, a press club session was held on torture in police precincts and places of detention. Members of the civilian review board of the Ministry of Justice attended the meeting and presented their statistical data on these types of violations. LI also presented their statistics on such violations. Participants discussed the problem and suggestions for improving the current

situation. The need for legislative amendments was also identified. For example, due to lack of legislation, mentally retarded detainee can easily be sent to regular prisons. A new legislative initiative must be enacted to defend the rights and to protect the physical and psychological well being of detainees. The event was also widely covered by the media.

LI directed a series of roundtable discussions at their regional offices on human rights violations by law enforcement officials during arrest and detention. The roundtables were held in Gori, Kutaisi, and Poti. Topics of discussion focused on evidence fabrication, unlawful pretrial detention and corruption among police. Specific cases were also discussed. Participants agreed that individual efforts to fight police brutality are less effective. Therefore, it was decided that a coalition of local NGOs would be established to begin intensive monitoring of places of detention. The Ombudsman of Georgia and local representatives of the Ombudsman's office also attended the meeting and offered their support. Several joint activities were also planned. The Ombudsman will grant special authority to certain NGOs within the coalition to enter pretrial detention places to conduct detainee interviews.

Several roundtables were devoted to the anti-corruption campaign. For example, a roundtable was held in Telavi to discuss the newly implemented reform to provide transparency and objectivity during entrance exams at the local branch of Tbilisi State University. This reform combats corruption at the local level and is seen as a successful means of addressing the problem locally. In Akhaltsikhe, participants discussed corruption in their local government; they wanted compensation for damages caused by the illegal actions and corruption of the previous local government. LI advised participants on how they could protect their rights.

LI continued with its debate program, which helps raise public awareness of human rights among regional youth and also supports the development of critical thinking. Young people generally show great interest in debates and participate in these types of events very actively. The main topics of debate for the quarter were corruption in the educational system, violation of children's rights in orphanages, cases of torture by police and unlawful arrests and detention. At the debates, LI also provided information to the local communities on recent legislative amendments. For instance, the concept of plea-bargaining and expropriation of unlawful property became a major subject of the debates held in Poti.

Throughout the reporting period, LI organized two workshops for journalists in Khashuri and in Batumi. Specific local issues were addressed at the meetings. For example, in Khashuri journalists have experienced problems with access to court hearings and court records. In Batumi, journalists have had to deal with severe restrictions on freedom of speech and media imposed by the previous political regime, consequently preventing development of their professional skills as independent journalists. Therefore, special training events like these for journalists are very important. The workshops were organized for this particular audience on the following topics: how to prepare articles, acquisition of public information from public agencies, the principles of human rights and how to cover them, how to cover court processes and covering diversity. Journalists showed strong interest in the workshops and suggested many of the topics.

Another new component of LI's activities is an educational course on freedom of religion. LI has already successfully completed several stages of this component, such as development of the

curriculum and training of teachers from various religious schools. An intensive training course was designed to familiarize participants with human rights issues, freedom of religion and international and local legislation that promote tolerance and freedom of religion. The special curriculum was recommended to teachers for use in educational courses at their schools. This quarter, LI closely monitored implementation of an essential part of the program – how courses were conducted at Sunday schools. Results of the monitoring verified that the newly developed curriculum is being successfully integrated into educational programs. Furthermore, educational courses on freedom of religion have been initiated at Sunday schools of almost all the different faiths practicing in Georgia, and teachers are effectively communicating legal aspects of freedom of religion to children.

This quarter LI's first insert of the Citizen's Charter was released and published in the newspaper *24 Saati*. A Citizen's Charter is a guide, which is designed to raise public awareness about the damage caused by corruption and how corruption should be defined. Before the publication, preliminary research was conducted by LI, which included 13 focus groups in various regions of Georgia. One hundred twenty participants from various fields (teachers, professors, students, journalists, members of local governments, police officers and drivers) were included in the study to express their opinions on corruption. As a result of the analysis of this research, the Citizen's Charter was published. The charter is an interesting innovation, because it is a practical example of the vital role that the public must play in the fight against corruption.

During the reporting period LI continued its publishing activities and issued three additional issues of the newsletter, *Liberty*. The publications emphasize anti-corruption and rule of law-related issues including: the nature of corruption in post-communist countries, money laundering, international experience and lessons for Georgia, and promotion of the rule of law. The publications are very informative and include systematic and institutional analyses of the themes. The newsletters were disseminated throughout Georgia.

Small Grants Program

During the reporting period, those small grantees that had not yet completed their grant activities, continued implementation of the program *Human Rights are Part of Georgian Culture*.

The Development and Cooperation Center – Pluralism Center (Center) The fourth stage of their grant commenced on July 1 and covered 9 cities/towns with documentary presentations and discussions. Presentations were held in Gori, Telavi, Signagi, Zestaponi, Kutaisi, Poti, Batumi, Kobuleti and Zugdidi. Documentaries and themes for discussions were tailored to the needs and interests of each region. For instance, in Signagi the Center presented the film, *Human Rights in Georgian History*, in Kutaisi, *Human Rights in Georgian Cinema* and in Batumi, *History of the Georgian State and Human Rights* and *Human Rights and Monuments of Georgian Law*. At the meetings the Center also disseminated a book, *Human Rights and Georgian Culture*, which was also published under their grant. Local communities showed a great deal of interest in the Center's activities and actively participated in discussions. The events were covered well by local media, and several TV channels (*First Channel* and regional TV channels) broadcast the Center's documentaries on their own initiative. It is also worth mentioning here that IRIS's and its grantees public awareness campaigns are spreading into Adjara. Because of the previous

political situation in this area, it was impossible to reach this segment of the Georgian population. As the Center's representatives told IRIS, the audience in Batumi was one of the most active and the participants emphasized the importance of conducting a public awareness campaign in this Adjara.

Association and Radio Green Wave is implementing the project, *Georgian Cultural Traditions and Modern Liberal Values* under the program *Human Rights are Part of Georgian Culture*. During the reporting period, 12 radio programs and 15 public service announcements (PSAs) were prepared and broadcasted via *Radio Green Wave* and its five regional partner radio stations. Listeners actively participated in discussions resulting from these broadcasts. *The History of Old Tbilisi and Democratic Processes* was one of the radio programs broadcasted. In this radio program, elders recalled old Tbilisi with nostalgia and remembered its unique multinational atmosphere and religious diversity. They felt that some moral and ethical norms have been lost since that time. This program focused in particular on religious and ethnic equality and on human rights in general.

This quarter a public awareness campaign was also conducted through the activities of the *Ozurgeti Young Teachers Union* (Union), the only grantee conducting a public awareness campaign targeted towards children. During the reporting period, the Union organized various events under the project, *Ancestors and Descendants and Protecting Children's Rights*.

The quarter's events included two Karl Popper debates on specific children's rights: the state's responsibility to protect the environment for children, and the right of every child to receive an education. The debates centered on sanitary conditions at Ozurgeti's secondary schools. Debate participants criticized the policies of the Georgian Ministry of Education and regional agencies and suggested ways to provide a healthier environment for Georgian children. The Union offered to establish a committee comprised of doctors, teachers and other relevant parties to estimate the amount of funds that would be needed to restore schools and to begin work on obtaining the funds. It was also agreed that the committee should be tasked with monitoring any and all school improvements.

After the debates, the documentary, *When You Are Born an Orphan...*, was shown. The film tells the story of orphaned children who were denied an education. The film was produced under the IRIS/Union's joint project. Sunday school students visited the children depicted in the documentary and donated school supplies to them. Representatives of the local government also attended the meeting. The Governor of the Guria region proposed creating an initiative that would guarantee protection for orphaned children. The Governor assured attendees that the local government would cooperate closely with the committee and would try to obtain the necessary funds.

The Union continued to organize literary/listening evenings followed by discussions. The main theme of these events was the right of every child to be protected from the dangers of war. At the end of August the Union organized an exhibition of children's rights photos, which had been taken by Sunday school students. Approximately 30 photos were selected and exhibited for two weeks. The Union also organized screenings of the Georgian movie, *Vera District Melodies*, which was followed by a facilitated discussion. Discussion themes included, "a child must grow

up in an atmosphere of respect” and, “every child has the right to an education.” The Union continued its publishing activities with the children’s newspaper, *Rvas+1 (Eight+1)*. In this publication, students analyze various children’s rights issues, and the authors also highlight problems faced by Georgia’s youth.

Internews Georgia

Internews Georgia (Internews) remains IRIS’s primary media partner in its public awareness campaign. This quarter Internews performed two types of activities, production of documentaries and production of PSAs. Furthermore, with IRIS’s assistance, a foreign expert conducted special training in documentary production for Internews staff.

Two documentaries, *Wait* and *The Passport* were produced. *Wait* focuses on people living below the poverty line, the most vulnerable segments of the population - invalids, internally displaced people and pensioners. The primary goal of the documentary is to show all of the changes that have taken place in post-revolutionary Georgia to assist socially unprotected groups of Georgian society. Using specific examples, the documentary highlights the various problems that they face and the chain of corruption that prevents them from gaining access to social services. The documentary also highlights positive steps that new government officials have taken to fight corruption. *The Passport* is about corrupt practices in the issuance of Georgian identification and passports. The Georgian Young Lawyers’ Association and Democrat Meskhs’ Union investigated these corrupt practices, and the main interviewees in the film are representatives from these two organizations. They speak about violations existing in passport bureaus. The film discusses the changes that the Georgian government is planning to make in order to rectify this problem. Per an agreement with *Imedi TV*, one of the leading broadcasting companies in Georgia, these documentaries, in addition to *Bell* (a documentary produced in the last quarter), were aired in September.

In September the production team started to work on two new documentaries focusing on displaced workers and nepotism/cronyism. In order to improve its documentaries, Internews was provided with an opportunity to work with a film production expert. This was facilitated through IRIS’s hiring of a media expert, who conducted a five-day intensive training on documentary filmmaking. The training focused on documentary production techniques, ethical issues, documentaries in journalism, advocacy, propaganda, advertising, production planning, scriptwriting techniques, shooting approaches and techniques, editing principles and screening of sample materials. The training was based on discussions and an interactive training methodology.

During the training, topics for an additional two documentaries to be produced by Internews under their grant with IRIS were also identified, freedom of speech and pre-trial detention. By the end of the training, a production schedule was developed for the displace workers film and discussions were conducted on other the topics. Participants found the training very helpful and expressed their interest in having professional training of this type at least once a quarter. The expert will continue to work with Internews on the documentaries through e-mail and telephone.

Internews continued working on PSA production. As a result of joint efforts between IRIS and the Internews creative team, the final concepts and scripts were developed for the PSA topics: freedom of speech, bribery, the cost of corruption, trafficking in human beings and customs clearance for vehicles. PSAs are currently under production and will be ready by the end of November.

Outdoor Poster Campaign

Last quarter IRIS launched a new outdoor poster campaign in a different format. Smaller versions of the original posters (the right to legal counsel, the right to remain silent, illegal search, religious equality, torture, police bribery and equality among citizens) were printed and posted in railcars travelling to the regions. IRIS subcontractor, Imedi Contact, performed the work. Unfortunately, the advertisement company a month late in placing the posters due to management changes in the Georgian railway system. Because of this, IRIS has amended the contract to extend it through November 28th.

List of Deliverables

Deliverables in Electronic Format

1. Agenda and list of participants from the GYLA's seminar on *Main Directions of Social Security*, July 16-18, 2004, Kutaisi
2. Agenda and list of participants from the GYLA's seminar on *Plea Bargain as an Innovation in Georgian Criminal Procedural Code (Rights of Defendants and Rights of Detainees)*, September 10, 2004, Chakvi
3. Agenda and list of participants from the GYLA's seminar on *Main Directions of Social Security*, September 25-26, 2004, Bakuriani
4. Agenda and list of participants from the GYLA's roundtable discussion on *Land Law*, July 29, Ozurgeti
5. Agenda, list of speakers and list of participants from the Liberty Institute's press club session on *Model Jury Trial Proceedings*, July 30, 2004, Tbilisi (event form)
6. Agenda, list of speakers and list of participants from the Liberty Institute's press club session on *Torture in Police and in Detention Places* (event form), September 24, 2004, Tbilisi
7. Agenda, list of trainers and list of participants from the Liberty Institute's workshop on *Present Coverage of Legal and Human Rights Related Issues*, August 15-19, 2004, Khashuri (event form)
8. Agenda, list of trainers and list of participants from the Liberty Institute's workshop on *Present Coverage of Legal and Human Rights Related Issues*, September 4-8, 2004, Batumi (event form)
9. Agenda and list of participants from Liberty Institute's roundtable discussion on *Violations of Criminal Procedures by Police Authorities*, September 29, 2004, Gori (event form)
10. Agenda and list of participants from Liberty Institute's roundtable discussion on *Entrance Exams at Telavi State University: an Experience of Transparency*, August 11, 2004, Telavi (event form)

11. Agenda and list of participants from Liberty Institute's roundtable discussion on *Fabricated Evidences and False Witnesses*, August 25, 2004, Kutaisi (event form)
12. Agenda and list of participants from Liberty Institute's roundtable discussion on *Illegal Arrests and Procedural Violations by Police Authorities*, August 20, 2004, Poti (event form)
13. Agenda and list of participants from Liberty Institute's roundtable discussion on *Corruption in Orphanages*, August 27, 2004, Rustavi (event form)
14. Agenda and list of participants from Liberty Institute's roundtable discussion on *Corruption in Local Government, Citizen's Claim*, August 12, 2004, Akhaltsikhe (event form)
15. Event forms from the Liberty Institute's debates (12 forms)

Deliverables in Hard Copy

1. Booklet: *Available Remedies in Cases Where Human Rights Have Been Violated* (GYLA)
2. Leaflet: *Rights to Property and Inheritance* (GYLA)
3. Leaflet: *How Should We Apply to a Court?* (GYLA)
4. Leaflet: *Notary Service and Notary Service Tax* (GYLA)
5. Journal: *Almanakhi (International Law)* (GYLA)
6. Book: *Prohibition of Torture* (GYLA)
7. Book: *Freedom of Assembly and Association* (GYLA)
8. Newspapers (9 issues) (GYLA)
9. Event forms (5 – seminars, 2 – roundtables, 25 – town hall meetings, 15 – bus tours)
10. Newsletter: *Liberty*, #7(31), (Liberty Institute)
11. Newsletter: *Liberty*, #8(32), (Liberty Institute)
12. Newsletter: *Liberty*, #9(33), (Liberty Institute)
13. Newspaper: *Eight+1*, #22, September, 2004 (Ozurgeti Young Teachers Union)
14. 6 Event forms (Ozurgeti Young Teachers Union)
15. CD's containing audio records of programs and social advertisement radio clips (Association and Green Wave)
16. Video: documentaries – *Wait and The Passport* (Internews Georgia)
17. Book: *Compilation of Georgian Private Law* (GYLA)
18. Video: documentary – *When You are Born as an Orphan* (Ozurgeti Young Teachers Union)
19. Newspaper (Citizen's Charter) (Liberty Institute)

TASK 2: Support for Legal Services and Human Rights Organizations

Legal Aid Database Software

During the reporting period, database software development progressed as planned. Programming development was completed in July and August, and in September, it was installed on several computers at GYLA and Article 42 for Beta testing. Use of the database revealed that certain aspects of the software's design do not adequately address the case management needs of these organizations, specifically with the management of multi-client and joint cases. The design of the software will need to be modified to adjust. Consequently, the timeline for completion of this project has been extended an additional month, putting the target date for installation of the software into legal aid centers in December.

Legal Aid System

As was reported in the previous quarter, a working group for the development of a concept paper and draft law on the legal aid system was created in May 2004 by GYLA. The working group is composed of representatives from the Public Defender's Office, the Office of the Prosecutor, the Ministry of Justice (MOJ), practicing attorneys, GYLA staff and IRIS attorneys. During this reporting period, the working group managed to develop a substantial portion of the concept paper as well as the main framework of the draft law. In September, the working group was given official status as the Ministry of Justice's Working Group on the Development of a Draft Law on the Legal Aid System. The size of the working group has increased to include additional representatives from the MOJ as well as from the NGO sector.

Many uncertainties remain regarding the draft law on the legal aid system. It is difficult to determine what type of affect the draft law will have due to the uncertainties of related legislative changes such as constitutional amendments and a new code of criminal procedures. Additionally, funding from the state for implementation of this law across the country is not yet secured. Because of these uncertainties, it was decided that a pilot project should be established. Two pilot legal aid bureaus will be set up, and their work will be analyzed and monitored to determine how the overall legal aid system should be designed. Lessons learned from this pilot project will be applied to the draft law on the legal aid system. For implementation of this pilot project, an order from the MOJ must be drafted, providing the details and a mandate for the bureaus. The MOJ and the Open Society Georgia Foundation will sponsor implementation of the project. IRIS will continue to be actively involved throughout this process.

GYLA

GYLA's legal aid centers continued to provide free legal services to needy populations through consultations (by telephone, in-person, mail, mobile legal aid clinic visits and TV and radio programs) and court representation. Even through August, which is Georgia's vacation period, GYLA's central and regional offices remained very busy. For example the Tbilisi office alone

provided a total of 1,335 consultations, 1,209 of which were private consultations, 90 of which were mobile legal aid consultations and 36 of which newspaper consultations. The Kutaisi office provided a total of 1,705 consultations, of which 584 were telephone consultations, 719 of which were private consultations, 394 of which were mobile legal aid consultations and 8 of which were newspaper consultations. A full statistical summary is provided in [Appendix A](#).

As in the previous quarter, the types of cases and consultations that GYLA's legal aid centers dealt with illustrates the fundamental human rights violations that law enforcement agencies commit during arrest and detention. This remains one of the most problematic issues in the country. Illegal arrests and detentions, physical abuse of the accused, as well as other serious procedural shortcomings in criminal proceedings continue to be the most frequent subjects of consultations and court cases that legal aid centers throughout Georgia are dealing with.

Legal aid activities also clearly showed that violations of social and economic rights not only continued but are also increasing. While criminal cases formed the biggest component of litigation activities, the majority of legal services provided through consultations were related to social and economic rights. Data collected from the mobile legal clinics revealed that this is a major concern for Georgia's rural population. Issues addressed during the mobile legal aid consultations primarily related to labor rights, rights to social security (pensions, social rights of single mothers and mothers with many children), inheritance and property rights, laws on the educational system, compensation for damages from work-related accidents. In the Alkmeta region, in the village Jokholo, which is mostly inhabited by national minorities, the main subjects of interest to the community were refugee rights, issues related to citizenship, procedure for obtaining identification cards and passports, inheritance rights and social aid. However, throughout Georgia, interest was high in criminal law-related issues, such as available remedies for human rights violations by policemen, right to rehabilitation for unlawful detention, as well as issues related to military recruitment.

After the rose revolution, a new trend in civil and administrative law violations has emerged. Massive dismissal of civil servants without adherence to their legal rights has become an alarming pattern. During the quarter, GYLA's legal aid attorneys were involved in a number of successful cases along these lines. In the case of *Robert Jikia and David Gabunia*, serious procedural violations were discovered during the investigation period, which resulted in the dismissal of three employees in the Ministry of Interior's Gldani-Nazaladevi's branch. Similar results were achieved in the case of *Lasha and Giorgi Kakhetelidze* in which serious procedural violations were discovered during the investigation, resulting in the dismissal of the investigator and issuance of an official warning to his supervising prosecutor.

There were also a number of successful administrative cases during the quarter. The case of *Bakir Akhmedov v. Rustavi's Civil Acts Registration Organ* deserves mentioning, because it is an example of the extreme arbitrariness and carelessness that administrative bodies can demonstrate. In March 2004 Bakir Akhmedov applied to Rustavi Civil Acts Registration Organ requesting the death certificate for his spouse who died in 1985. The circumstances of the death were determined through a court decision in 1987. Without an explanation, the Civil Acts Registration Organ refused to issue the certificate. With the assistance of GYLA's Rustavi

office, Bakir Akhmedov appealed the denial through the Ministry of Justice. The appeal was successful, and Rustavi Civil Acts Registration Organ was required to issue the death certificate.

A number of television programs, which provide legal advice to the regions, were aired on major regional television stations. Two programs were aired in Kutaisi on the television station, *Rioni*, and two programs in Gori on *Trialeti*. The main issues discussed during the programs were freedom of speech, educational reforms, tax code reforms and unlawful detentions. The television programs received a high volume of callers with questions. In addition to the television programs, GYLA continued broadcast of radio programs in Tbilisi. The program *Your Rights* is broadcast every other Monday on Georgian State Radio. Topics of discussion included labor legislation, grounds for termination, rights of terminated employees and labor code amendments regarding compensation from employers for terminated employees. GYLA's lawyers and experts participated in the programs. For example, during one program, a judge from Tbilisi District Court, Lamara Kobaladze, discussed the court's practice on the issues. Discussion also covered the issues of compensation from work-related accidents and the rights of victims of political repression.

Article 42

Article 42 continued to provide free legal services through consultations and court representation of criminal cases before the Appeals Court of Tbilisi. During the quarter, Article 42 received 42 applications, 20 of which were declined, because they did not comply with the case-selection criteria, and 13 are still under consideration. In most of the cases, Article 42's involvement led to the identification of numerous criminal procedures violations during the investigation stage of criminal proceedings. Aggressive defense tactics through preparation of numerous motions requesting exclusion of evidence that was obtained through substantial procedural violations proved to be effective in some cases. However, there is an alarming new trend among courts to disregard serious violations and admit evidence that would ordinarily be excluded. Substantial court hearing delays remained problematic during the quarter.

Article 42 attorneys prepared and published three issues of their monthly newsletter and published a brochure on the role of motions as an important litigation tool in criminal proceedings. The monthly newsletters highlighted important cases that were handled by Article 42. The newsletters were distributed to lawyers, parties to criminal proceedings, students and email list-serves. The brochure contains detailed information on the rules of procedure related to the submission and consideration of motions by courts and their implementation. Two thousand copies of the brochure were printed and targeted towards people who lack proper legal counseling. The brochure is also relevant for practicing lawyers, since it includes samples of various types of motions and an outline of what they should include. Article 42 is continuing to work on a new brochure on procedural agreement. Procedural agreement is a concept included in our criminal code that most people, including lawyers, are not familiar with. This brochure will explain the meaning of procedural agreement and how a defendant can avoid complications surrounding it. During the quarter, Article 42 also printed sticker-posters to advertise their services. These were posted in the metro and other public places.

Liberty Institute

The Civil Liberties News Service remained one of Liberty Institute's main tools for publicizing the results of its fact-finding activities in a quick and effective manner. It covers human rights and civil liberties news, human rights violations monitoring and fact-finding, independent research and investigations into basic civil and political rights violations and corrupt practices in Georgia. Immediate and responsive coverage of human rights violations is one of Civil Liberties News Service's key priorities. One of the advantages of Civil Liberties News Service is its ability to direct the public's attention to certain problems, which are not covered by the mainstream media, and to provide analysis of these problems. In some cases, the Civil Liberties News Service generates media attention, thus widening the public's exposure to human rights violations. For example, statistical data collected by Liberty Institute on cases of torture in prisons, which was first distributed through Civil Liberties News Service, generated public discussions, and, consequently, was covered by the mainstream media.

Liberty Institute's fact-finding activities this quarter revealed that the major areas of human rights violations are mistreatment and torture of detainees by law enforcement agencies, illegal detentions and corruption in state institutions, violation of the rights of religious minorities and challenges to the right to freedom of assembly and expression. Liberty Institute pursued many of the human rights violation cases that were identified during the quarter. Petitions were filed with the relevant government agencies and investigations were demanded. This resulted in the release of several unlawfully detained people and investigations against a number of public officials and police officers.

After collecting information on torture and mistreatment of detainees from victims and the nongovernmental sector, Liberty Institute collected data from the MOJ. Five hundred thirty-three cases of prisoners being delivered with injuries from police precincts to pretrial detention centers were identified. Of the 533 injured persons, 126 confirmed that they had been tortured by police officers. One of the major difficulties in collecting accurate data on this is that medical personnel at detention centers are part of the law enforcement system, and therefore, they often do not report all the cases of abuse even though it's required under Georgia's Code of Criminal Procedures. Comparative analysis of the data collected from the MOJ and independent organizations reveals inaccuracies in the official records. For example, Liberty Institute's Kutaisi office identified 72 cases of torture during the quarter in Kutaisi alone, and the vast majority of these cases did not appear in the official records of the police and the MOJ.

The problem of inhuman conditions in prisons reached an alarming level. For example, in Detention Center N1, there are approximately 3,600 detainees, though the prison was designed for only 1,600 prisoners. Liberty Institute addressed these problems with the MOJ, and it was agreed that they would collaborate to develop a new strategy for penitentiary reform. In order to closely monitor problems within the penitentiary system, the President created civilian review boards in which Liberty Institute will participate. Liberty Institute lawyers collaborated with the MOJ on the charter for the civilian review board, and it is expected to be signed in October. This will enable the new review boards to begin functioning and take action on violations of human rights within prisons and detention centers.

Corruption in and a decreasing level of independence of the judiciary is becoming an acute problem. Liberty Institute engaged in two campaigns against corrupt judges. Liberty Institute, in cooperation with the Ombudsman's Office, filed petitions with the Council of Justice against Supreme Court Justice Khrustali and judge Gochashvili from the Raion Court in Gori.

As mentioned in the beginning of this section, illegal search and detention were identified as a widespread occurrence across Georgia. Possession of drugs and/or guns was the most common reason for charges and detention. In many of the cases, police plant the drugs and guns on the premises of the accused persons so that they can bring a criminal case against the person and collect evidence against him. Introduction of a plea bargaining institution in the Georgian Criminal Justice System, and its actual implementation, requires close monitoring from human rights organizations in order to ensure that it does not become a tool for corrupt practices of law enforcement agencies.

During the reporting period, a gross violation of the right to freedom of assembly occurred when police broke up a rally of peaceful protesters in front of the Mayor's office. The demonstrators were protesting against the authority's decision to change budgetary priorities when a police unit led by Temur Mgebrishvili attacked and beat them. Several people were injured and five were hospitalized. Liberty Institute responded to the violation by demanding a criminal investigation and initiating an Internet support campaign to notify international organizations about the violation. The police unit responsible for the attack has since been dismissed. The right to freedom of expression was also violated on September 23rd when peaceful demonstrators were forced into busses and carted away from the state chancellery building. Liberty Institute filed a petition with the Ombudsman and Prosecutor General's office to investigate this case.

Violations of freedom of religion still remain prevalent. For example, Leyla Turkia, a Jehovah's Witness, was fired from her job on the police force, because of her religion. Liberty Institute investigated the case and proved that it was a clear violation of the labor code and religious discrimination. Ms. Turkia was subsequently re-hired. Religious conflict and discrimination was also evident in several property dispute cases. Radical members of the Orthodox Church protested against religious minorities owning churches. As a result of their aggressive campaign, the Catholic community was removed from their church in the Akhaltsikhe village, Ivlita. Liberty Institute was actively involved in this case and visited the village several times to meet with local Catholic and Orthodox priests. Unfortunately, by the time Liberty Institute became involved, the Orthodox Church had already occupied the church. Besides losing established churches, religious minorities are also having difficulty building new ones. This occurred in Akhaltsikhe, where the Catholic Church purchased land but was prevented from starting construction on it, because of threats from the former governor. Conflict over church property is closely connected to deficiencies in the law. Liberty Institute challenged Article 1509 of the Civil Code before the Constitutional Court. This Article prohibits free registration of religious organizations, depriving them of the right to own places of worship. Liberty Institute initiated the case together with the Pentecostal community, which has been subjected to numerous attacks by the radical group, Union of David Agmashenebeli and supported by the Orthodox priest, David Isakadze.

Liberty identified certain patterns of corrupt practices in the educational system. Several schools were found to have misappropriated funds and altered their tax records to hide benefits. Additionally, some schools were not recording or declaring tuition payments. In school #139 in Tbilisi, school #5 in Poti, and school #157, Liberty Institute uncovered corruption such as misappropriation of funds and illegal contracts with private interest organizations. School principals harassed the whistleblowers after they contacted Liberty Institute, and only after active intervention from law enforcement were the rights and safety of these people secured. These cases were referred to the Ministry of Education and investigations are in process. Liberty Institute has also been monitoring high school graduations and discovered a large number of forged diplomas. These cases were also referred to the Ministry of Education for further inquiry.

On-line legal consultations were conducted throughout the quarter. This service was used by journalists as well as the general public to discuss matters related to free media, access to public information and religious freedom. Any cases of corruption were reported and advice was given to victims on how they could seek compensation for property that was illegally seized. The questions and answer section of Liberty Institute's on-line legal aid service was updated based on the new questions that they received during the consultations.

List of Deliverables

Deliverables in Hard Copy

1. Article 42's Newsletter #5
2. Article 42's Newsletter #6
3. Article 42's Newsletter #7
4. Article 42's Brochure "Strategy of Defense"
5. Article 42's Advertisement sticker
6. Video Cassettes of GYLA's legal aid centers TV programs (3 cassettes)
7. Audio Cassettes of GYLA's legal aid centers Radio Programs (2 cassettes)

TASK 3: More Open and Transparent Government or Administrative Process

This portion of the report covers IRIS's activities with partner organizations, United Nations Association of Georgia (UNAG) and the Association of Young Economists of Georgia (AYEG).

IRIS continued close cooperation with the MOJ to promote implementation of current administrative law, particularly the Freedom of Information (FOI) Chapter. IRIS held meetings and consultations with representatives from the Georgian Ministry of Justice, legal entities of public law under the Ministry, the General Prosecutor's Office and the National Bank of Georgia on different issues related to administrative legislation, including FOI. After continued widespread personnel changes at public agencies during the quarter, IRIS once again distributed two checklists published last year (*Enactment of Administrative Acts* and *Enactment of Administrative Decrees in accordance with the General Administrative Code*). These checklists were provided to public servants and employees of the Georgian National Bank and local governments of the Vani region. IRIS will continue to distribute these publications.

IRIS's activities were not confined to monitoring of its partner organizations. During the reporting period, an IRIS expert reviewed the drafts prepared by UNAG to ensure harmonization of current legislation with the General Administrative Code of Georgia. IRIS has also been closely cooperating with public servants of local government agencies in the regions on implementation of the FOI Chapter of the General Administrative Code. On July 2nd, IRIS conducted a one-day training on FOI for local government representatives of the Vani region. The training was conducted at the request of a local NGO, the Center for Legal Education of Citizens. Training participants received copies of the *Guide on Freedom of Information*, two checklists (*Enactment of Administrative Acts* and *Enactment of Administrative Decrees*), UNAG publications and posters on FOI. IRIS also continued to provide FOI-related assistance to other USAID partners. During the quarter, an IRIS staff person was invited to participate as an expert in a July 9th National Democratic Institute workshop on FOI issues for journalists.

Assessment of the Authority of the President on resolution of Administrative Claims

As mentioned in the previous quarterly report, IRIS finalized its research on the Authority of the President of Georgia on resolution of administrative claims. During this quarter, IRIS continued working on developing the steps needed to solve existing problems caused by the inadequacies in the legislation. Several meetings were held with the representative of the President's Administration. It was determined that that a roundtable would serve as an appropriate forum for publicizing results of the research and initiating discussions among relevant stakeholders. Consequently preparations for the roundtable have been initiated.

Transparency of the Judiciary

During the reporting period IRIS finalized its research on transparency of the judiciary. IRIS experts prepared three documents with in-depth analysis of Georgian legislation and practices of common courts as well as recommendations from the Council of Europe (CE) and experiences from several CE member states and the United States. IRIS had an informal meeting with the Secretary of the Supreme Council of Justice to discuss how to resolve the problems that were identified through the research. In order to further develop recommendations for dealing with this issue, IRIS will hold a roundtable in the next quarter with the participation of foreign experts.

UNAG

During the quarter, UNAG prepared and sent new recommendations on implementation of FOI provisions to the local governments of Akhaltiskhe and Akhalkhalakhi. Site-visits have revealed that the new recommendations are proving effective. For example, in Akhaltsikhe, staff of the targeted government institutions implemented most of UNAG's recommendations. UNAG also increased its efforts to ensure that newly appointed officials understand the importance of the Administrative Code. UNAG's regional contacts prepared reports to provide an assessment of implementation of FOI provisions in the targeted regions. The reports reveal improvements in the targeted public institutions and that the staff was utilizing UNAG's guidelines. Staff was found to be knowledgeable about the main principles of the General Administrative Code, requested information was released in compliance with the Code, staff members knew how to deal with confidential information and responsible officers were appointed for the release of public information. UNAG's regional contacts also kept records of their consultations. This enabled UNAG to track the type and frequency of questions asked by administrative agency staff and to determine where the main difficulties are in implementing the FOI provisions.

On July 9th a competition was announced, which aimed at stimulating better implementation of the General Administrative Code by administrative agencies. The competition was judged on originality of the idea and the potential for encouraging better implementation. More qualified applications were received than had been budgeted to win, so winners were divided into two parts - those that would receive funding through UNAG and those that would receive funding through IRIS in the future. The final results have not yet been announced. Consultations about the creation of any future FOI offices will continue to be conducted with IRIS.

UNAG designed cartoons about four different issues of the FOI Chapter. The cartoons were designed at the *Rustavi 2* station and broadcasted for two weeks, from July 5-10. The cartoons use an informational character to explain citizen's rights and obligations as set forth in the General Administrative Code. The Antimonopoly office commended the cartoons, and the *First Channel* of Georgian State Television broadcasted them for free for one month starting August 25th.

UNAG worked on a new document, *Procedures for Reviewing Applications and Administrative Complaints of the Citizens*. This document will be published in October and is meant to assist public institutions and the general public to better understand their rights and obligations under

General Administrative Code. A legal expert who was hired by UNAG completed her study of contradictions between the General Administrative Code and 42 other Georgian laws. An IRIS expert was closely involved in this process. Draft amendments to 27 laws were prepared to bring them into compliance with the General Administrative Code. The draft amendments were sent to the Parliamentary Committee of Legal Affairs, and follow up will be conducted during the next quarter. Project lawyers arranged a meeting with the head of the Public Service Council concerning organization of trainings for civil servants under the UNAG FOI Implementation Project. Finally, UNAG continued distribution of its posters and publications. A total of 525 copies of various materials were distributed, primarily to targeted public institutions in the regions and Tbilisi as well as the NGO.

AYEG

IRIS signed a new 10-month grant agreement with the Association of Young Economists of Georgia (AYEG) to continue their work on implementation of the licensing law. The new grant agreement runs from August 2004 to May 2005. During the quarter, AYEG addressed the licensing law vis-à-vis issuance of construction permits, a process that involves multiple state agencies. The Permits for the Construction Sector law was passed in July 2004, therefore, state agency representatives are not particularly knowledgeable about its requirements. Project experts conducted meetings with the relevant state agencies to discuss problematic issues concerning the issuance of permits. The law is meant to make the process less complicated for those in the construction business. To facilitate this process the information gathered during this meeting was used to develop a draft guide entitled, *How to Obtain a Construction Permit*.

In September AYEG held a one-week workshop in Bakuriani with state agency representatives, the objectives were to develop the final version of the guide, clearly define the procedures for permit issuance and determine the steps necessary before obtaining a permit. Through this workshop, the program was able to develop a constructive relationship with state agency representatives, train the representatives in the procedures set forth by the law and make additional productive modifications to the draft guide. After the workshop, the modified draft guide was delivered once again to state agency representatives for final comments to help ensure acceptance of the guide's content by the relevant state agencies. At the end of this process *How to Obtain a Construction Permit* was published with a poster illustrating the procedures for obtaining a construction permit accompanying the guide.

AYEG's grant also includes the establishment of a licensing hotline and implementation of a media campaign to promote the guide and the hotline. To increase the effectiveness of the hotline, the experts manning it were set up in a their own room with a new and separate phone line. A system was also established for administering and analyzing incoming calls through a survey. For the media campaign preparations, an advertising agency was chosen, the media plan was developed and the design of the newspaper advertisement was completed. The media plan will include ad placements in three major newspapers (*24 Hours, Alia* and *Kviris Palitra*) beginning October 1st.

List of Deliverables

Deliverables in Electronic Format

1. Event form from FOI training in Vani, July 2, 2004 (IRIS)
2. Agenda and List of participants from FOI training in Vani, July 2, 2004 (IRIS)
3. Research on transparency of the judiciary – 1 (IRIS, Georgian)
4. Research on Transparency of the Judiciary – Public Access to Court Records – US Experience (IRIS, Georgian)
5. Research on Transparency of the Judiciary – 3 Public Access to Court Records – US Experience, part 2 (IRIS, Georgian);
6. Research on the Authority of Georgian President regarding Examination and Solution of Administrative Complaints (IRIS, Georgian)
7. Consultations form (UNAG)
8. Agenda and List of participants from the workshop for entrepreneurs and public agencies in construction sector held in Bakuriani on 3-9 September 2004 (AYEG)
9. Event form from the Bakuriani workshop for entrepreneurs and public agencies in construction sector held in Bakuriani on 3-9 September 2004 (AYEG)

Deliverables in Hard Copy

1. Guide: “How to Obtain the Permit for the Construction Sector” (AYEG)
2. Cartoons about the four different issues of the Freedom of Information Chapter (UNAG)

TASK 4: Support for Legislative Drafting

Legislative drafting was very active during the quarter with intensive work on constitutional issues as well as on the Code of Administrative Violations.

Constitutional Issues

Work on constitutional issues included efforts on the Draft Law on Substantial Revision of the Constitution and the Draft Constitutional Law on the Status of Adjara.

Draft Revisions to Current Constitution

In mid-July a workshop on the draft amendments to the constitution was conducted in Budapest. Participants included foreign legal experts, representatives of the Georgian government and Parliament as well as the NGO sector, including experts from IRIS Georgia. The workshop proved to be an effective forum for intense discussions as well as critical remarks about particular provisions of the draft. The authors of the draft are revising the text based on the critical observations that they received at the workshop. At the request of the authors, IRIS arranged for a phone conference with Professor Herman Schwartz, an expert on constitutional issues, so the authors could consult with him on several problematic issues within the draft. After the authors make their revisions, they'll submit the latest version of the draft to Professor Schwartz for review. In the next quarter, Parliament is likely to start official proceedings on the draft.

Draft Constitutional Law on the Status of Adjara

As was reported in the previous quarter, Parliament adopted the Constitutional Law on the Status of Autonomous Republic of Adjara. IRIS conducted research on this law, because it represents a first effort by Georgia as an independent country to use legislative regulation to define the state territorial structure and jurisdiction of an autonomous region, and therefore, it should serve as a model for addressing this issue in the future. Furthermore, this Constitutional Law was passed quickly during a tumultuous time in Adjara, and consequently, it contains some inconsistencies that could be improved upon in the future. The purpose of the research was to identify the inconsistencies in the law, analyze the experiences of foreign countries in solving similar issues and create an analytical base from which territorial structure issues can be decided in the future. The research was finalized and is being translated into English. It will eventually be sent to relevant stakeholders in the government and Parliament.

State of Emergency

IRIS organized a roundtable to present and discuss the research that was completed last quarter on the state of emergency. Representatives of the Executive Branch, Parliament, the Public Defender's Office and the NGO sector attended the roundtable. The workshop resulted in joint recommendations for improvements to state of emergency legislation. Additionally, an

agreement was reached with the Parliamentary Committee on Legal Affairs to establish a special working group to prepare a package of draft state of emergency laws. The task of preparing the package of draft laws was incorporated into Parliament's drafting work plan.

Draft Law on Freedom of Speech

In the last quarter Parliament heard and adopted the Law on Freedom of Speech and Expression, and IRIS legal experts were deeply involved in this process. During this quarter, IRIS experts prepared an explanatory letter on the law for USAID.

Administrative Violations Code

In September a roundtable was conducted in cooperation with the Parliamentary Committee on Legal Affairs to present and discuss the research on the Administrative Violations Code that was prepared by an expert hired through IRIS. Representatives of Parliament, government, the Judiciary and NGOs, as well as prominent scholars in the field, attended the roundtable. The roundtable proved to be an effective means of opening discussions on the necessity for and nature of long-awaited reforms to the code. As a result of the roundtable, the Parliamentary Committee on Legal Affairs is going to create a special commission within Parliament to work on reform of the code. The special commission is tasked with preparing a new draft of the code based on the research provided by IRIS, and IRIS legal experts will participate in the commission's work. Furthermore, adoption of a new Administrative Violations Code is included in Parliament's drafting work plan.

Draft Law on the Protection of Personal Data

The Draft Law on the Protection of Personal Data was prepared by IRIS in 2003, translated and then sent to experts to provide comments. When the government is ready to begin work on the draft, IRIS is available to assist in the process.

Draft Law on State Secrets

Last quarter IRIS critiqued the Draft Law on State Secrets that was prepared by the Ministry of Security. Since then, no progress has been made on the draft law. If and when activity resumes on this issue, IRIS will become actively involved.

Criminal Procedures Code

During the reporting period GYLA's working group organized a conference for the relevant stakeholders to present and discuss the part of the new draft of the Criminal Procedure Code that the group had prepared. Representatives of the government, Parliament, international

organizations, NGOs and the judiciary, as well as prominent scholars in the field, attended the conference. Currently GYLA and Liberty working groups are working to consolidate their respective components of the draft code.

List of Deliverables

Deliverables in Electronic Format

1. Analysis of Georgian Constitutional Law on Status of the Adjarian Autonomous Republic (Georgian)
2. Research on the Code of Administrative Violations (English, non edited version)
3. Agenda and List of Participants of the Roundtable on State of Emergency (English)
4. Agenda and List of Participants of the Roundtable on the Code of Administrative Violations (English)

TASK 5: Information and Training

Website and Electronic Newsletter

IRIS decided to make changes to the design of its website to make it more effective, informational, attractive to viewers and easy to navigate. The redesign work was launched recently. New links about IRIS grantees will be added, more news and pictures will be uploaded and viewers will be able to subscribe to the newsletter *Inside IRIS Georgia* electronically.

PDF versions of the newsletters were distributed via e-mail to USAID, IRIS partners and other interested organizations and individuals. Three issues of the newsletter were published during the quarter and are available to download from IRIS's website: <http://www.iris.ge/en/resources.html>

Distribution of Publications

IRIS continued distribution of the Georgian publications of Herman Schwartz's book, *The Struggle for Constitutional Justice in Post-Communist Europe*, and Andras Sajo's book, *Limiting Government – an Introduction to Constitutionalism*, as well as three other books published in previous years. More than 350 books were distributed during the quarter.

Publication of Georgia's Amended Constitution

IRIS decided to postpone publication of Georgian and English versions of the amended Constitution, since substantial amendments are expected soon. Instead of publishing the document in hard copy, IRIS will distribute the edited English text of the Constitution in electronic format.

Selection of New Books for Translation

Following recommendations from USAID, IRIS postponed selection of English language legal books for translation and publication in Georgian.

Commentaries on the Human Rights Chapter of Georgia's Constitution

The Institute of Law (Institute) completed its work on preparation of commentaries on the human rights-related provisions of the Constitution. The group of authors (Gia Khubua, Konstantin Korkelia, Levan Izoria and Konstantin Kublashvili) wrote more than 400 pages of commentary on all human rights-related articles of the Constitution. The text was sent for editing and will be published in the next quarter. The Institute also organized the remaining two roundtables (out of the ten planned) on labor rights and free movement. Twenty participants attended the labor rights roundtable and 17 attended the one on free movement. Participants included judges, advocates,

NGO representatives and students. Enhancement of the library and reading room at the Institute was also completed. Two storage rooms and one reading room were equipped with furniture, equipment and a collection of legal literature.

Reorganization of the Central Chancellery within the Ministry of Justice

IRIS began implementation of its efforts to increase transparency and accountability and decrease corruption within the Public Service Center and the Central Chancellery of the Ministry of Justice. IRIS provided the MOJ with 14 computers and furniture for the chancellery reception hall and staff. The new citizens' reception hall is expected to become operational in November 2004.

Trainings

IRIS attorneys conducted four hour-long training for students of the Georgian Institute of Public Affairs with 32 participants and a one-day long training for teachers of the Police Academy of Georgia with 16 participants. The training topic for the student training was administrative law and the administrative system, and the training topic for the teacher training was constitutional rights and mechanisms for their protection.

GYLA Library

GYLA library staff continued working on their electronic catalogue and printing cards. Despite the summer holidays, more than 150 people used the library services. The library purchased new books and installed new shelves in the storage room.

List of Deliverables

Deliverables in Electronic Format

1. Commentaries of the Constitution of Georgia (in Georgian)
2. Event forms and Lists of participants of two roundtables organized by the Institute of Law
3. List of purchased books (GYLA)

TASK 6: Enforcement of Judgments

IRIS still has not resumed working with the Department of Enforcement of Court Judgments (DECJ) of the MOJ. The MOJ has not yet decided what assistance is needed.

Appendix A: Statistical Summary

Task 1: Raising Public Awareness, Raising Public Confidence

GYLA

GYLA Publications	Copies Printed	Copies Distributed
Booklet: <i>Available Remedies in Cases Where Human Rights Have Been Violated</i>	0	100
Leaflet: <i>Rights to Property and Inheritance</i>	500	400
Leaflet: <i>How Should We Apply to a Court?</i>	200	200
Leaflet: <i>Notary Service and Notary Service Tax</i>	500	100
Journal: <i>Almanakhi</i> (on International Law)	500	100
Book: <i>Prohibition of Torture</i>	1000	300
Book: <i>Freedom of Assembly and Association</i>	500	50

GYLA	Number of Meetings	Number of Participants
Town hall meetings	25	409
Seminars	5	100
Roundtables	2	62

Liberty Institute

Liberty Publications	No. of Publications	Copies Printed	Copies Distributed
Newsletter	3	15,000	15,000
Newspaper Insert	1		

Liberty Institute	Number of Meetings	Attendance
Press Club Sessions	2	66
Regional Roundtables	6	175
Workshops (five-day)	2	36
Debates	12	144

The Development and Cooperation Center – Pluralism Center

Pluralism Center Events	Number of Events	Attendance
Demonstration of documentary and discussion	9	359

Ozurgeti Young Teachers Union

Ozurgeti Young Teachers Union	No. Publications	Copies Published	Copies Distributed
Newspaper: <i>Eight+1</i>	1	500	500

Ozurgeti Young Teachers Union	Number of Meetings	Attendance
Karl Popper demonstrative debates	2	120
Demonstration of a movie and discussion	1	70
Literary/listening evening	1	70
Exhibition on <i>Children's Rights</i>	1	120

TASK 2: Support for Legal Services and Human Rights Organizations

GYLA

	Total	Civil	Criminal	Administrative	Const/Strategic
Number of citizens represented in courts	114	15	57	38	4
Number of citizens represented before administrative agencies	28				

Clients represented before the courts and administrative agencies:

Women	42
Men	82
Minor	2
Employed /with income	25
Unemployed/without income	97
with university education	65
with secondary education	57
Georgian	115
other nationality	6
IDP	3
Legal person	6

	Total	Civil	Const/Strategic	Criminal	Administrative
New cases	21	3	0	13	5
Court decisions	21	4	0	10	7
Won cases	21	5	0	10	6
Lost cases	0	0	0	0	0
Decisions of administrative agencies	28				
Favorable decisions of administrative agencies	21				
Unfavorable decisions of administrative agencies	7				

Types of cases handled during the quarter:

Constitutional/Strategic cases - 4

Freedom of expression	1
Freedom of movement	1
Property right and equality before law	1
Right of privacy	1

Administrative cases – 38

Social security	3
Registration	1
Illegal construction	6
Labor disputes	5
Freedom of information	5
Licensing	0
Tax disputes	3
Privatization, property right	3
Execution	3
Compensation of damage inflicted by an administrative organ	2
Administrative acts and actions of administrative organs	7

Criminal cases – 57

unlawful detention	8
coercive measures	0
violation of the rights of detained, convicted person	25
rehabilitation and compensation for damage	1
violation of the rights of sentenced	3
violation of the rights of a victim	14
illegal collection of evidence	6

Crime against life	9
Crime against health	13
Economic crime	15
Drug-related offenses	6
Crime against sexual freedom	3
Crime against public security and order	4
Crime against human rights and freedoms	4
Transport crime	2
Crime against the state	0
Crime against the military	1
Crime against judicial authority	0

Civil cases – 15

Sustaining of a child	13
Freedom of speech	0
Injuries	0
Family violence	0
Eviction	2

Consultations

	Telephone	Private	Mobile Legal Aid	Post Boxes	Newspapers	Total
Tbilisi office		1209	90	0	36	1335
Kutaisi office	584	719	394	0	8	1705
Gori Office	89	2294	431	0	0	2814
Rustavi office	275	390	218	0		883
Ozurgeti office	79	408	212	28	0	727
Telavi office	47	528	262	0	10	847
Dusheti office	27	96	70	0	0	193
Total	1101	5644	1677	28	54	8504

Article 42

Number of consultations provided during the reporting period:	In Person	Telephone	Written
	35	10	9

Number of cases in progress	31
Number of new cases	25
Number of cases completed during the reporting period	1
Number of successfully completed cases	1

Nature of Cases:

(since a case can be initiated on several counts, the total number of cases given in the statistical breakdown may be more than the number of ongoing cases)

Crime against life	5
Crime against health	6
Crime against property	60
Drug-related offenses	22
Crime against sexual freedom	2
Crime against public security and order	30

Crime against human rights and freedoms	15
Transport crime	5
Crime against the state	15
Crime against the military	0
Crime against judicial authority	5

Defendant Statistics

During the reporting period, Article 42 assisted 37 people including:

Male	Female	Minor	Employed /With source of financial income	Unemployed / Without source of financial income	With higher education	With secondary Education
20	1	0	3	18	0	21
Georgian	Other nationalities		IDPs	Convicted	Defendant	Victim
15	6		4	17	4	0

Publications

Name	No. of Publications	No. of Copies Distributed
Newsletter #5	2,000	1,500
Newsletter #6	2,000	1,500
Newsletter #7	2,000	1,500
Brochure	2 000	1,500
TOTALS	8,000	6,000

TASK 3: More Open and Transparent Government or Administrative Process

UNAG

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Poster <i>Collegiate public institution is open</i>	35
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Form for requesting public information	30

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No.	Research	Published (Quantity)	Distributed (Quantity)
1	Report on Research of Licensing and Permit Systems for the Pesticides and Other Plant-originated Production Sector	100	50
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3	Report on Research of Licensing and Permit Systems for the Geological Sector	100	52
4	Report on Research of Licensing and Permit Systems for the Agrochemical Sector	100	48
5	Report on Research of Licensing and Permit Systems for the Transportation Sector	100	57