

Short report about Georgia

L.E.L.P. "Georgian Bar Association" is the only Bar Association which represents all practicing 4000 lawyers in Georgia. Unfortunately the current situation in Georgia raises our deep concerns regarding the facts of intimidation and persecution against lawyers' by present-day Georgian government.

During the regimen of Saakashvili (former president of Georgia) 157 lawyers have been arrested and verdict of guilty was passed against them all.

The International Observatory for Lawyers organized three missions in Georgia. According to the written reports it was stated that lawyer's profession in Georgia was the field of risk.

Despite the shift of the government in Georgia a persecution of lawyers still continues. In 2013-2014 Georgina Bar Association addressed the Council of Bars and Law Societies of Europe (CCBE) with appeal to help us to cease a process of lawyers' intimidation and persecution. In 2014 the president of CCBE Mr. Aldo Bulgarelli, who represents more than 1 million European lawyers, addressed twice President of Georgia, Chairman of Georgian Parliament and Prime-Minister of Georgia with letters and urged them to investigate the facts of intimidation and threats against Georgian lawyers.

Mr. President (Aldo Bulgarelli) has emphasized in his letters that Georgian lawyers still are the objects of intimidation and harassment in Georgia. In the official letters of CCBE an attention was drawn to recent cases of Georgian lawyers, in particular advocate Romeo Sajaia for example, has been verbally and physically abused by the prosecutor Levan Bachialashvili, when the lawyer came to the Prosecutor's Office for a procedural action.

Another case that was brought to the attention of the CCBE was the case of lawyer Goga Oniani who was subject together with his family members to the pressure by the state officials. He was hindered by the prosecutor from representing his client's case.

Also some serious concerns were raised in regard to the case of lawyer Dimitry Gabunia, threatened by a state official who recorded anonymously a meeting with lawyers of two parties settling their dispute and then handed the record to a third party. One of the lawyers was Dimitry Gabunia.

The act of violence was committed as well against advocate Nona Kirtadze who was verbally abused and miraculously escaped from physical insult by the official of Revenue Service in the building of court.

In this regard, the CCBE stressed that the states have a positive obligation “to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and that lawyers “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. The states have also a positive obligation to adequately safeguard lawyers, whose security is threatened as a result of discharging their functions.

In view of the above, the CCBE urged Georgian Government to investigate all those facts of intimidation of lawyers and to prosecute all perpetrators of the harassment and violence against lawyers.

The CCBE also asked Georgian Government to take all necessary measures in order to prevent violence against lawyers in the future and in order to ensure that Georgian lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

CCBE emphasized that all actions and threats against lawyers in the legitimate exercise of their professional duties should be immediately and effectively stopped under the scope of United Nations Basic Principles on the Role of Lawyers (1990) (point 16 and 17) and Recommendation N° R(2000)21 of the Committee of Ministers to members States on the freedom of exercise of the profession of lawyer (adopted on 25 October 2000).

The key issue in this matter is to prevent violence against lawyers in the future with the purpose of ensuring that Georgian lawyers do not suffer from persecution and improper interference in their professional activities.

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