

სისტემა მოქალაქის წინააღმდეგ



როლანდ ბლადაძის
საქმე



ახალგაზრდა ადვოკატები
YOUNG BARRISTERS

როლანდ ბლადაძის საქმე Roland Bladadze's Case

მონიტორინგი
Monitoring

ა(ა)იპ „ახალგაზრდა ადვოკატები“
სექტემბერი, 2014 წ.
ქ. თბილისი

N(N)LP The „Young Barristers“
September, 2014
Tbilisi

კვლევაზე მუშაობდა
ა(ა)იპ „ახალგაზრდა ადვოკატების“ გუნდი
Researchers:
N (N) LP the „Young Barristers” team

სამუშაო ჯგუფის ხელმძღვანელი
არჩილ კაიკაციშვილი
Head of the Working Group
Archil Kaikatsishvili

სამუშაო ჯგუფი:
Working Group:

არჩილ კაიკაციშვილი
Archil Kaikatsishvili

ანა კიკნაძე
Ana Kiknadze

ნინო ისაკაძე
Nino Isakadze

ჯუმბერ სირაბიძე
Jumber Sirabidze

ლევან ბერაძე
Levan Beradze

სოფიო აზარიშვილი
Sophio Azariashvili

ანა ბარათაშვილი
Ana Baratashvili

ემილ კურბანოვი
Emil Kurbanov

თარგმნა:
Translated by:
ა(ა)იპ „ახალგაზრდა ადვოკატები“
N (N) LP the „Young Barristers”

გამოცემის დიზაინი:
Publishing design:
კოკა კაპანაძე
Koka Kapanadze

კვლევა მომზადდა

„ინსტიტუციური დიალოგი აღმასრულებელ, საკანონმდებლო, სასამართლო ხელისუფლებასთან“ პროექტის ფარგლებში.

Research has been prepared

Within the framework of the Project “Institutional dialogue with Executive, Legislative and Judicial Authorities”.

კვლევაში წარმოდგენილი ინფორმაციის გამოყენება შესაძლებელია მხოლოდ წყაროს მითითებით.

Information presented in the research may only be used by indicating the source

შინაარსი¹

შესავალი -----

საკითხის სამართლებრივი მხარე -----

საკითხის ფაქტობრივი ანალიზი -----

დასკვნა -----

სარეკომენდაციო წინადადებები -----

Table of Contents²

1. Introduction
2. Legal Aspects of the Issue
3. Factual Analysis of the Case
4. Conclusion
5. Recommendation Proposals

¹ მონიტორინგის შედეგების ელექტრონული ვერსია განთავსებულია ორგანიზაციის ოფიციალურ ელექტრონულ გვერდზე: www.barristers.ge

² Electronic version of the monitoring results is available on the official web-page of the organization: www.barristers.ge

1. Introduction

After the parliamentary elections of October 2012 in Georgia, the change in political governance revealed to the society a number of facts of systemic crime. Among them, the most critical situation is one about the citizens who were deprived of property in 2004-2012 and whose rights to the fair trial were violated. The cases of large-scale abandonment of property by the citizens and transferring it as a gift to the state, as well as willful shift of the property, already being registered under the name of their owners, to the state became a sort of trend. The incidents of giving up the property rights by the relevant government bodies occurred in almost all regions of Georgia, although the government which came into power after the “Rose Revolution” of 2003, undertook the most large-scale property concession and infringement in adjure. After the “Rose Revolution” in 2004 when direct presidential governance was introduced in Adjara and former commander of Adjara - Aslan Abashidze’s long-term governance came to end, political persecution of the former commander of Adjara and his related political encirclement before the year of 2004, their criminal persecution, repressions of the region’s top officials and property redistribution process was commenced.

The cases of confiscation in Adjara and illegal acts committed by the former officials over the governance period of 2004-2012 call for total examination. Until now there has never been relevant legal opinions prepared, as to how much damage was caused to the citizens, who undergone compulsion for political reasons, for their prominent civil position; although, it can be considered, that Roland Bladadze’s case will be of enough substance, telling a complicated story of the property seizure on political grounds in the region. At the same time, it emphasizes the style and the form of governance that existed towards the people with different opinion. It presents system against the citizen, who was forced to leave Georgia and move to the Russian Federation with his family as a result of the government’s unlawful actions to protect his personal security in this way.

Since 1990 Roland Bladadze has held administrative position in the Customs Security Service at various times and was in close connection with the encirclement of the former commander of Adjara - Aslan Abashidze. From 2001 until April 2004, he worked as a Deputy Head of the Sarpi Checkpoint, but his authority was terminated based on the Law of Georgia on the “Civil Service”. As for the official reason for his dismissal, the Head of the Customs Office at that time noted that Roland Bladadze did not appear at work for unknown reasons which constituted to the gross violation of his duty; in fact, Roland Bladadze made his mind to leave Georgia secretly when Adjara A/R Prosecution Office commenced criminal prosecution against him and the court ruled that real estate in his possession was unlawful and unjustified. Roland Bladadze was among those who were deprived of property against their will. The law enforcement bodies, common courts system and administrative authorities happened to agree on the application of selective justice in order to undertake prominent prosecution and law enforcement against the officials related to the former commander of Adjara. The president transferred Roland Bladadze’s confiscated property to the chairman of the Constitutional Court of Georgia - Giorgi Papuashvili who until now lives in the house of Roland Bladadze with his family, even though legal dispute is still going on with no avail. In June 2013, criminal prosecution against Roland Bladadze was ceased, which resulted in the creation of lawful basis to strengthen legal action and return back the property, but considering the newly discovered or newly revealed circumstances, current legislation deprives court to deem admissible the invalidity of the decisions concerning the property confiscation,

as far as 5 year limitation period has lapsed after the legal appeal was filed against the binding court decision.

“Young Barristers” began comprehensive research on Roland Bladadze’s case in February 2014. Due to the conducted monitoring, legal and factual circumstances of the case, decisions of the Prosecution office and Courts, actions of the certain administrative bodies, the status and attitude of the high-ranking officials inherently related to the case were examined. The organization focused on the legal opinion and recommendations on the Roland Bladadze’s case for the executive and legislative governmental authorities of Georgia towards whom exists the legitimate expectation of making fair decisions for the property-deprived people. This research, prepared by the organization’s legal group, will be disseminated within the representatives of the executive, legislative and judicial authorities of Georgia, Public Defender’s office of Georgia, the diplomatic corps and international organizations. In addition, the English version will be delivered to the European Constitutional Courts, the Venice Commission, international central offices. For that matter, the organization will hold a discussion tables in Tbilisi and Batumi together with the law specialists, will discuss the realization of the legal actions related to the dispute and implementation strategy.

The objective of the monitoring is to increase public awareness with regard to the Roland Bladadze’s case and make this story the subject of extensive discussion in the professional circles and media. During the survey, it was found that there is scant information in the Georgian media. The first case which depicted illegal actions against Roland Bladadze was an authorship program of journalist Nana Ledjava “Kviris Reportage”. It was due to this journalistic investigation, that in 2012 public was first informed about the prosecution and unlawful seizure of property of administrative official in close relation with the former commander of the Adjara. Later, in the newspaper “Asaval-Dasavali”, an interview with Roland Bladadze was published, authored by the journalist Tea Asatiani, in June 18, 2013 Roland Bladadze’s family members held a protest action, so called “Leave my house”, on the Era str. #37 in Batumi where the confiscated house was located, against the chairman of the Constitutional Court Giorgi Papuashvili after Adjara Prosecution office ceased criminal prosecution against Roland Bladadze and property confiscation by the state was delegitimized publicly. Despite the legal effort, justice was not restored on the Roland Bladadze’s case, which should be connected to the current government’s further common decision.

During the newspaper interview Roland Bladadze recalls his story in the following way: “After the Adjara revolution, before I left Georgia, I received two calls from the President’s Administration. They offered me to go to Tbilisi and scold Mr. Abashidze in the “Rustavi 2” TV live and after that I would keep working. On that day, when Aslan Abashidze left Georgia, Data Akhalaia called me and threatened me. Before that, he spent an entire month at my workplace as President’s trustee and he personally controlled everything in the Customs Office. After his arrival in Tbilisi, he said on television that he could not find any violations in Sarpi. After Mr. Akhalaia’s call, I left Georgia. After my departure, they visited my father and requested to give my contact information. They were already apparently demanding the money, at first 500 thousand, after that they reduced the price to 50 thousand. When I refused to pay money, they were threatening to deprive me of my house in case I did not pay to them. I went to Moscow alone and left my spouse and three children in Batumi. One day, they broke into house with the masks and threw out my wife together with my three underage children. My child came to the masked one and asked not to throw them out and he slapped child on the face. This was the period of time when nobody welcomed the members of Aslan Abashidze’s

government on the streets because of the fear. Who would dare to shelter them. They were hiding in one relative's house, or another. Children did not go to school throughout the year. After that I managed to take them in Moscow. During the eviction, we already knew that our house would be transferred to the chairman of the Constitutional Court of Georgia Giorgi Papuashvili... Now he says he did not know that the house was confiscated. How did he not know about it, when I sent several common acquaintances asking what he was committing, that situation was all-changing and he was doing sinful action. He occupied our house with no feeling of inconvenience. The chairman of the Constitutional Court of Georgia preferred throwing under-age children out on the street over the justice. My wife told him that children shed so many tears in that apartment, that he could never be happy there. Mr. Papuashvili's answer was the following: I am not going anywhere... By the way, when I found out that Mr. Papuashvili inhabited my house, Giorgi Targamadze was working in "Imedi TV". I called him and asked to produce TV show. He agreed and in a couple of days he refused. He said that Eka Khoferia was working with him and Mr. Papuashvili was a spouse of her sister" – says Roland Bladadze in an interview with the "Asaval-Dasavali" newspaper.³

In another newspaper interview Roland Bladadze notes that "Adjarian government proposed my house to many candidates, but nobody has decided to lodge in it, except Giorgi Papuashvili. Everyone refused, there are little kids living in this house and we could not commit the sin, especially when the property is illegally confiscated. Papuashvili's wife, who as you already know, is Eka Khoferia's sister, was very impressed with my house. The lawyer advised them not to lodge in this apartment as far as it was illegally confiscated, but she insisted on this house. Everyone avoids the case when they learn about the fact that Giorgi Papuashvili lives in my house. Now the chairman of the Constitutional Court of Georgia Giorgi Papuashvili is going to sell my house. Apparently, he is afraid that I will return back my house and tries to get rid of the loot property, at least to be left with money. I urge everyone not to buy the house from Giorgi Papuashvili, as far as this house is mine and its purchaser can not be deemed to be good faith buyer. Sooner or later I will prove my truth", - says Roland Bladadze.⁴

In the process of research, while communicating with the public authorities, organization found out that from September 1, 2012 until June 10, 2014 60 applications were registered by the citizens regarding the return of property ownership at the Ministry of Economy and Sustainable Development and there is ongoing investigation at the Prosecutor's Office of Georgia as to the return of the seized property. It is important to note the public statement of Prime Minister of Georgia Irakli Gharibashvili on August 12, 2014 according to which in the near future the government will notify the public about the fate of those citizens who lost their property. "I would like to explain to citizens whose rights were grossly, violently and brutally infringed over the years that the state cares for the restoration of their rights under the 24 hour regimen. The Prosecutor's Office, in fact completed the work on their cases – case examination is on the last stage and I hope, that we will notify the public about the fate of those citizens who lost their property, business, life. It is our duty to bring this process to the end and we will surely bring it to the end. All crime will be identified and the truth will be established for good", - said the Prime Minister, who reports that Prosecutor's Office already systematized these types of cases.

The organization would like to express gratitude towards various bodies involved in the process of producing public information during the research preparation. In the process of monitoring, Roland

³ Newspaper "Asaval-Dasavali", 4-10 February, #5, 2013.

⁴ Newspaper "Asaval-Dasavali", 30 December (2013) – 12 January, #1, 2014.

Bladadze's case materials were provided by the aggrieved party's lawyer, Ms. Nana Tsuladze, whose professional commitment and effort is especially noteworthy. Nana Tsuladze had been involved in the process since 2006 and from January 2014, Roland Bladadze granted representative authority to the co-founder and head of the NGO "Young Barristers" - Archil Kaikatsishvili, who carried out monitoring together with the organization's legal group. Effort undertaken by Roland Bladadze's wife - Marina Eselidze during the case proceedings is worth a mention; she protected her spouse's and family interests from 2004, notwithstanding meeting particular difficulties and challenges. The government evicted Marina Eselidze and her three underage children and today, repressed family lives with the hope for restoration of justice.

2. Legal Aspects of the Issue

On June 13 2004 investigation on the Adjara A/R criminal case #263/04 was opened against the head of LLC "Batumgamtsvaneba" on grounds of abuse of power and violation of customs rules, followed by launching legal proceedings against the former commander of Adjara A/R government - Aslan Abashidze's political team supporters. History of the proceedings indicated, that the Director of LLC "Batumgamtsvaneba" Ednar Shamilishvili had been importing a large amount of palms from Turkey from May 2003 until October 2003 by violating customs rules. While being questioned as an accused, Ednar Shamilishvili stated, that the palms were being imported by the former Adjara government officials with Aslan Abashidze's assignment. Based on Ednar Shamilishvili's testimony, according to Aslan Abashidze's assignment, LLC "Batumgamtsvaneba" would have received 700 000 GEL. However, the mentioned amount must have been transacted to Turkish citizen acquainted to the company by former commander of Adjara. Although the palm trees were purchased and imported from the Republic of Turkey, Ednar Shamilishvili was to prepare fake documentations, as if the mentioned palms were purchased from an individual living in Adjara. The case indicates that Aslan Abashidze assured Ednar Shamilishvili as if customs employees would cause no issues while importing the palms. In addition to this, Act of Adjara A/R Control Chamber of July 2, 2004 indicates, that the mentioned palms have been registered at Sarpi Border Crossing Point, but have never been customs cleared, infringing the Customs Code of Georgia.

On June 13, 2004, the Investigation Unit Head of Adjara A/R Prosecutor's Office - Shota Bolkvadze received a resolution concerning the history of the date-palms, according to which legal proceedings had begun against Roland Bladadze on the grounds of abuse of power and violation of customs rules. Although the deputy head of Control Chamber and the head of revision group mentioned above - Ilia Kartsivadze stated in his testimony, as if according to the Control Chamber Act non-clearance of palm trees was caused by illegal actions of Roland Bladadze himself or any other employee, the mentioned condition must have been determined based on investigation. On August 25, 2004 deputy head of Sarpi Border Crossing Point of Adjara A/R, Roland Bladadze was convicted in absence and faced criminal charges.

Resolution concerning criminal charges imposed on Roland Bladadze defines, that: "Having worked as a deputy head of Sarpi Border Crossing Point of Adjara A/R and having the responsibility over normal working course of Sarpi Border Crossing Point, he intentionally did not fulfill his job obligations. In particular, starting from May 2003 until October 2003, he did not provide an appropriate control over customs clearance, as a result, causing Ednar Shamilishvili, the head of Batumi City Planting Trust, to import a large

amount of date-palms and flowers from Turkey with violating Sarpi Border Crossing Point custom rules. Precisely, during the period mentioned above, E. Shamilishvili imported 1020 Palm trees of \$15 050 and 153 00 flowers at a price of \$900, causing the state budget to lose tax fees of up to \$15 950, infringing the legal interests of the state”⁵ (the style is retained).

On August 26 2004, Adjara A/R Prosecutor Giorgi Papuashvili filed a lawsuit against Roland Bladadze in the High Court of Adjara A/R and requested the recognition of Roland Bladadze’s property as illegal and unjustified, property seizure and transfer to the State.⁶ The State Prosecutor’s lawsuit against Roland Bladadze on the illegal and unjustified recognition, seizure and transfer of the property states: “Adjara A/R Prosecutor has enough evidence in order to consider defendant’s property as illegal. The proof is based on the following arguments. The evidence gained about the named official’s revenue (which the plaintiff was able to obtain and is attached to the lawsuit) provides information regarding the fact that in any scenario the amount of income could not ensure acquisition of the property listed in the lawsuit. This circumstance conditioned our assumption, which in turn led to raising this claim. In specific terms, Roland Bladadze worked as the deputy head of the Sarpi Border Checkpoint from 2001 until 2004 and during his employment he received income equaling to 12579.39 GEL. Therefore, we request the Court to reason in accordance with the evidence presented by the defendant on the lack of substantiation as to the property. Please, find preceding lawsuit admissible, examine it and satisfy our claims completely (the style is retained).

On August 26, 2004 when Adjara A/R Prosecution appealed against the Court with the lawsuit, it indicated that Mr. Bladadze owned the following property, deemed to be recognized as illegal and unjustified, be seized and transferred to the State:

1. Residential apartment, Era str. #37, b8, Batumi. Total area: 215.6 sq.m.
2. Residential house, Kobuleti District, village Sameba;
3. Residential house, N. Dumbadze str. Batumi;
4. Plot of Land, Kobuleti District, village Sameba;
5. Car GAZ 31-10, license plate number, IOO 462;

On August 30, 2004 Adjara A/R Prosecutor Girogi Papuashvili gave power of attorney to head of the legal department at the Prosecution Service of Georgia - Valerian Cercvadze, prosecutors - Giorgi Khizanishvili and Vladimer Khuchua in order to carry out all the statutorily established procedural actions on behalf of the Prosecution Service of Georgia.⁷ Together with Mr. Bladadze’s case, prosecutors were entitled to defend the interests of the Prosecution Service of Georgia against officials – Aslan Abashidze, Ioseb Gogitidze, Rostom Bolkvadze, Irakli Abashidze, Teimuraz Komakhidze, David Bakuridze, Sergo Gogitidze, Teimuraz Komakhidze, Guram Gogitadze, Elguja Mowyobili, Jemal Gvarishvili, Taniel Khalvashi, Ina Kharazi, Tamaz Ananidze as regards to the seizure and state-transfer of the property being in possession of their family members, close relatives and related persons, whereas the Prosecutor of Adjara A/R Giorgi Papuashvili acted as a plaintiff. All of the above named persons were senior government officials of Adjara A/R in 2000-2003.

⁵ Resolution on the Criminal Charges of Roland Bladadze of August 25, 2004.

⁶ Lawsuit of Adjara A/R Prosecutor’s Office concerning the confiscation of Roland Bladadze’s property of August 26, 2004.

⁷ Prosecutor’s Power of Attorney No. 01–2004 to Valerian Cercvadze of August 30, 2004.

On September 2, 2004 Roland Bladadze's case was separated from the criminal case #263/04 for the further proceeding and it was granted criminal case number of 287/04.

On 7 September 2004, Adjara A/R Supreme Court, Administrative Law and Taxation Panel commenced to examine Adjara A/R Prosecutor's lawsuit about the recognition of the Roland Bladadze's property as illegal and unjustified, seizure and transfer to the state with the participation of judges: Davit Ananidze (chairman), Rezo Beridze and Ilia Kadamadze. The Court deemed Roland Bladadze's absence on the court hearing as non-excusable, due to this Court's hearing was postponed and was resumed on September 10, 2010.⁸

On September 9, 2004, Batumi City Court sentenced Roland Bladadze imprisonment for a term of 3 months and on the same day it rendered a decision on his persecution.

On September 10, 2004 Adjara A/R Supreme Court Administrative Law and Taxation Panel resumed proceedings on the Roland Bladadze's case with the participation of the judges – Davit Ananidze (chairman), Rezo Beridze and Ilia Kadamadze, as well as with the prosecutors: Valerian Cercvadze, Girogi Khizanishvili and Vladimer Khuchua. The hearing was attended neither by the Respondent Roland Bladadze, nor by its legal representative.

The prosecution side did not challenge the court, did not present application or motion. According to the record of the court hearing, the hearing started at 16:00 and ended at 17:00. The panel announced the decision after leaving the deliberation room.⁹ Specifically, Prosecutor's claim was partially satisfied.

On September 10, 2004 Supreme Court of Adjara A/R Administrative Law and Taxation Panel ruled on Roland Bladadze Case #3-62. According to the court's decision, apart from the real estate located in Kubuleti Municipality, village Kveda Sameba, the following property was deemed to be illegal and unjustified:

1. Residential Apartment, Era str. #37, b8, Batumi. Total area: 215.6 sq.m.
2. Residential house, N. Dumbadze str. Batumi;
3. Plot of Land, Kobuleti District, village Sameba;
4. Car Mercedes-benz, WMW 009, variable 40000;
5. Car GAZ 31-10, license plate number, IOO 462;

On September 10, 2004 Adjara A/R Supreme Court Administrative Law and Taxation Panel's decision states, that "according to the notice, claimed residential house belongs to Roland Bladadze's father - Usup Bladadze and belonged to their predecessors, therefore this part of plaintiff's claim should be refused. Prosecutor's lawsuit as regards to the rest of the property claim should be satisfied. It should be considered as illegal and unjustified property, defendant should be deprived of property and since there is no other owner other than the defendant, it should be transferred to the state. The case does not contain documents proving the existence of needed funds to purchase the property or tax payment documents proving that these funds are legally acquired. The Court considers reasonable doubt as being confirmed as far as defendant could not acquire the property with this salary or purchase it legally, which provides the basis for satisfaction of the

⁸ Adjara A/R Supreme Court record of proceeding of September 7, 2004.

⁹ Adjara A/R Supreme Court record of proceeding of September 10, 2004.

claim.”¹⁰ In addition, according to the Court’s decision, Roland Bladadze was ordered to pay 5 000 GEL court fees in favor of the State budget.

Adjara A/R Supreme Court Administrative Law and Taxation Panel’s decision rendered on September 10, 2004 came into force on November 12, 2004 and November 30, 2004 the court issued a writ of execution to seize Roland Bladadze’s property and transfer it to the State. It should be noted that, based on the Adjara A/R Prosecutor’s request, Ltd. “Consulting Audit”, presented audit report on September 22, 2004 according to which the value of residential houses, apartments, vehicles, shares and stock belonging to Roland Bladadze, his family members, close relatives and related persons was estimated at 70 000 GEL.¹¹

It is noteworthy that on November 17, 2004 Adjara A/R prosecutor aggravated Roland Bladadze’s charge and apart from accusing him in the repeated abuse of authority, he was condemned to money extortion, and threatening of employing force in order to acquire a large amount of property belonging to others. On the questioning of victim on one of the cases, Prosecutor deemed citizen - Mikheil Bogveradze, who noted that Roland Bladadze tried to withdraw money in favor of a third party, as a victim and plaintiff on the civil case. Reviewing this episode reveals, that this accusation against Mr. Bladadze was unfounded considering Adjara A/R prosecutor’s decision on April 12, 2013

In 2006, Roland Bladadze’s attorneys at law filed a complaint to the Batumi City Court and requested suspension of enforcement order. The complaint noted that Roland Bladadze’s wife Marina Eselidze received a warning from the Adjara Enforcement Bureau on March 22, 2006 to voluntarily pay imposed 5 000 GEL in favor of state budget. Before receiving such a warning, Roland Bladadze’s family did not know about the existence of this decision. The court was addressed for another noteworthy circumstance; the evidence gathered by Marina Eselidze confirmed that part of the deprived property belonged not to Roland Bladadze, but to her instead. Marina Eselidze’s complaint noted that the imposition of 5 000 GEL by the court on her property, violated her legal rights. On March 29, 2006 the court issued a ruling and approved Marina Eselidze’s claim, noting that although Marina Eselidze is not the debtor, enforcement is directed towards her property, which falls under her legitimate interest. According to the ruling, enforcement order issued on the basis of Adjara A/R Supreme Court on September 10, 2004, was suspended.¹²

On April 14, 2006 the head of the Enforcement Department of Adjara Enforcement Bureau of the Ministry of Justice - Gela Tavdgiridze submitted a motion in Batumi City Court and requested a clarification on Adjara A/R Supreme Court Administrative Law and Taxation panel’s decisions of September 6 and 10, 2004 as regard to the operative part, arbitrary deprivation of property and transfer to the State.¹³

On April 27, 2006 in its enforcement order, where together with the former government officials, Roland Bladadze’s property was mentioned, Batumi City Court pointed out that “illegal and arbitrary deprivation of property and transfer of property to the state implies transfer of ownership rights and thus freed-up transfer to the creditor (state)”. According to this enforcement order, Roland Bladadze owns the following property:

¹⁰ Adjara A/R Supreme Court, Administrative Law and Taxation Panel’s decision of September 10, 2004.

¹¹ Ltd. “Consulting Audit” Audit Report on the Roland Bladadze’s Case of September 22, 2004.

¹² Batumi City Court Ruling #2-707 of March 29, 2006, Judge: Gocha Futkaradze

¹³ Batumi City Court Ruling of April 14, 2006, Judge: Jemal Kiknadze

1. Residential apartment, Era str. #37, b8, Batumi. Total area: 215.6 sq.m.
2. Residential house, N. Dumbadze str. Batumi;
3. Plot of Land, Kobuleti District, village Sameba;

Roland Bladadze's attorneys at law appealed Batumi City Court Decision of April 14, 2006 with the private complaint in the Kutaisi Appeal Court. Private complaint notes that in the operative part of the Adjara A/R Supreme Court's decision, as well as prosecutor's lawsuit, there is no indication as to the "freed-up" residence being transferred to the creditor (state). Defenders of the interests of Roland Bladadze clarify, that Adjara A/R Supreme Court's decision of September 14, 2004 was already enforced. Originally, the disputed property was seized, followed by the apartment located on Era street. It was registered in the Public Register as the state property in Batumi. Private ruling noted that the Court has taken the role of plaintiff and in fact, issued the writ of execution on the release of the apartment so that the judge – Jemal Kiknadze was not entitled to review Gela Tavdgiridze's motion as far as before becoming a judge Jemal Kiknadze served as the head of Adjara A/R Prosecution Service Investigative Department and he supervised the criminal case against Roland Bladadze. Accordingly, the judge Jemal Kiknadze should have challenged its own authority. Therefore, Roland Bladadze's lawyers requested abolition of the Batumi City Court's ruling of April 14, 2006 and enforcement order issued on April 27, 2006.¹⁴

On December 14, 2006 according to the Kutaisi Appeal Court's ruling, private complaint filed by Roland Bladadze's defenders of legitimate interests was not upheld. The court left unchanged Batumi City Court's ruling of April 14, 2006 (the ruling was final and could not be appealed). The Court of Appeal pointed out that court had the right to decide on the interpretation of the ruling without inviting the parties. In addition, court noted that the issue of the ground for challenging the judge has not been raised. "The case materials do not prove that Jemal Kiknadze was interested in this this case. The fact that before serving as a judge he was appointed as a head of Adjara A/R Prosecution Service Investigation Department and he was supervising criminal case against Roland Bladadze does not imply judge's interest in this case while interpreting the decision in force."¹⁵ In addition, the court¹⁶ noted, that deprivation of property no longer requires filing a lawsuit on the eviction of the persons living in the property, as far as property seizure and transfer already implies transfer of the deprived property to the authorized person, in this case – the state.

On November 8, 2006, Adjara A/R Enforcement Bureau court enforcement officials, evicted Roland Bladadze's family from the apartment located on Era str. #8 in Batumi. Roland Bladadze's wife Marina Eselidze indicated in the record that current proceedings in the real estate was illegal and according to the Batumi City Court ruling, court's clarification was not in force at that time, consequently the enforcement procedure was held in violation of law.

On February 5, 2007, Batumi City Court issued a ruling¹⁷ on Roland Bladadze's lawyers' statement, which requested annulment of Adjara A/R Supreme Court Administrative Law and Taxation Panel decision of September 10, 2004 and resumption of the proceedings due to the newly discovered circumstances. The lawyers' statement pointed out that Adjara A/R Supreme Court held the hearing without Roland Bladadze

¹⁴ Private Complaint in the Kutaisi Appeal Court of April 27, 2006.

¹⁵ Kutaisi Appeal Court Ruling of December 14, 2006.

¹⁶ Adjara A/R Enforcement Bureau record of the proceedings of November 8, 2006.

¹⁷ Batumi City Court Ruling #2-533 of February 5, 2005. Judge: Nino Vashakmadze.

attending it. Neither Roland Bladadze, nor his family members received a notice informing them about the court hearing. Neither was Roland Bladadze's interests defended by the lawyer on the hearing, while based on the power of attorney, Adjara A/R Prosecution Service prosecutors acted as civil plaintiff on these cases. As stated by the party, this circumstance violated adversarial principle between the parties. Due to these circumstances, party was unable to provide court with the information that the major part of the property, disputed with the Roland Bladadze and his family had never been owned by Roland Bladadze and relevantly, was owned by his family members; on the other hand, the second part – cars had been long alienated. As for the only residential apartment on the residential apartment #8 on the Era str. #37 in Batumi, where Roland Bladadze's wife and children lived was acquired in 1999, was signed by notary in early 2000, i.e. much earlier until that time (disputed period according to the Prosecution Service lawsuit 2001-2004) when he became official. The court did not examine Roland Bladadze's lawyers' lawsuit on the annulment of the decision and resumption of the case and stated that according to the Georgian Civil Procedure Code Article 426, application on the annulment of the court decision should be filed within 1 month and prolongation of this period is not allowed. The court pointed out Roland Bladadze's legal representative knew about the Adjara A/R Prosecution Service lawsuit against Roland Bladadze on the illegal and unjustified recognition of the property, its seizure and transfer to the state and the existence of the disputed decision on the case. As further evidence, court pointed to the dates of April 25 and October 5, 2005 when Roland Bladadze's attorneys applied to the Court to receive copies of the case materials. In addition, the court noted that Roland Bladadze's attorneys, appealed to Adjara A/R Administrative Law and Taxation Panel's Decision of September 10, 2004 in the cassation, which was held inadmissible by the Supreme Court of Georgia's ruling of November 25, 2005 and was handed over to the Roland Bladadze's attorneys on December 5, 2004. Accordingly, Court pointed that Roland Bladadze's attorneys missed one-month deadline to apply to the court.

Roland Bladadze's attorneys appealed Batumi City Court ruling of February 5, 2007 with the private complaint in Kutaisi Appeal Court. With the cassation complaint, the court was once again informed about the newly-discovered circumstances of the case, which included illegally and unjustifiably recognized real estate (located on Era str. #37, #8 Batumi) acquisition in 1999 and disputed one-month appealing period. However, Kutaisi Appeal Court rejected Roland Bladadze's attorneys' complaint and left unchanged Batumi City Court Decision of February 5, 2007.

Kutaisi Appeal Court decision of March 20, 2007 states¹⁸ "The Civil Procedure Code Article 423 (I) defines what can be considered as newly discovered circumstance. This list is exhaustive and can not be expanded. The fact that residential apartment #8 on the Era str. #37 was acquired by Roland Bladadze can not be considered as newly-discovered circumstance because apartment according to Civil Code Article 149 is a real estate and its owner's identity is established through the Public Registry. The circumstance is deemed to be newly discovered if it existed before the judgment was rendered, provide d that it did not exist before rendering this decision and emerged after the decision was issued, it became known to the party only after the judgment was rendered. In this case, it is unreasonable to conclude as if the purchase of residential apartment #8 on the Era str. #37 in 1999 and formalization in 2000 emerged after rendering a decision on September 10, 2004. As it is well-known, the purchase of residential apartment #8 on Era str. #37 was known

¹⁸ Kutaisi Appeal Court Ruling of March 20, 2007. Judge: F. Basilaia

to the party before rendering a decision. Therefore, it can not be considered as newly-discovered circumstance (the style is retained).

As regards to Roland Bladadze's case, the contested one-month procedural appeal period, the legal dispute was proceeded in the Supreme Court of Georgia.

On October 31, 2005 Roland Bladadze's attorneys appealed to the Supreme Court of Georgia and requested abolishment of the Adjara A/R Administrative Law and Taxation Panel's decision of September 10, 2004. The party initially contested the fact that Court's Decision 10/09/2004 was handed to him in violation of the terms. Accordingly, the judgment could not be properly examined by the party and in response it could not undertake legal action.

According to the ruling of the Supreme Court of Georgia of November 24, 2005 Roland Bladadze's cassation appeal has also been held inadmissible and left unexamined. The Court Ruling stated: "Cassation Chamber reviewed Roland Bladadze's representative's cassation lawsuit and considered that it should be left unexamined on the inadmissibility ground since it does not meet the requirements set by the Article 397 of the Civil Procedure Code of Georgia. The delivery of the postal consignment notice, provided in the case materials, makes it clear that Adjara A/R Administrative Law and Taxation Panel's decision of September 10, 2004 was sent to Roland Bladadze on October 8, 2004. On the second page of the notice, it is noted that the courier could not find addressee on the indicated address and as explained by the neighbor, addressee – Roland Bladadze was out of town and as a result, the above-mentioned decision was handed to the Batumi Municipal Government on October 11, 2004 as evidenced by the notice seal. The Court of Cassation deems that appealing period must begin to run from the moment of decision delivery to the Batumi Municipal Government. The Court of Cassation considers that appealing one-month period is expired according to the Civil Procedure Code Article 397"¹⁹ (the style is retained).

The Supreme Court of Georgia rejected the reasoning of the defenders of the legitimate interests of Roland Bladadze according to which the disputed one-month appealing period has the following rationale. In particular, Adjara A/R Supreme Court Panel's Decision 10/09/2004 satisfied Adjara Prosecution Service's sought complaint on the seizure of the unjustified property in a way that neither Roland Bladadze nor his attorney, when according to the Civil Procedure Code of Georgia Article 81(II) attorney should have been assigned for him. Party indicated that the law had been violated, when neither court summons nor the decision was handed to Roland Bladadze and his family members in an appropriate manner. In addition, the party indicated that the following recording on the court notification by the courier on October 8, 2004 - "I went to that address. The addressee can not be found. According to neighbors, Roland Bladadze is out of town 11.20.2004" can not be deemed as a reliable allegation, as far as the case materials do not contain proper report signed by the neighbors providing the information about Roland Bladadze being out of the town to the courier. On the contrary, Roland Bladadze's neighbors argued the opposite that they had not seen anybody from the court neither with the court notification nor with the decision and there was no indication when Mayor's Chancellery took over the notification. In addition, the court rejected the claim that from September 15, 2004 Roland Bladaze's family – three minor children and a wife – Marina Eselidze were living at the address of the unjustified and illegally recognized real estate. If the courier, even once came to this address,

¹⁹ Supreme Court of Georgia, Ruling #8b-1472-1047 (3-05) of November 24, 2005 M. Vachadze (chairman), N.Kadagidze, B. Koberidze.

Roland Bladadze's wife would meet him there. The case also included the notice about the fact that Roland Bladadze lived and he was recorded as a member of Kobuleti Municipality Khutsubani community. The court notification was not sent to this address either.

After the compulsory eviction of the family from the real estate located on Era str. #37, flat #8, Batumi, on November 8, 2006 by the virtue of State, Roland Bladadze's family remaining in Georgia were sheltered by relatives and after the legal dispute the Common Courts continued in vain Roland Bladadze's attorneys addressed representatives of the executive and legislative branches for the assistance and establishment of the truth.

At different times in 2007 as regards to the case, the official letters was sent to Mikheil Saakashvili - President of Georgia in 2004 -2013, Nino Burjanadze – Chairman of the Parliament in 2001-2008, Levan Varshalomidze – Chairman of Adjara A/R Government in 2004-2011, as well as to the governmental agencies connected to the case. The letters sent to President and Chairman of the Parliament by Roland Bladadze's wife – Marina Eselidze state: "If the truth can not be revealed, I am forced to address different countries for asylum. Do not deprive my children of already desperate childhood. Do not kill their slightest hope. They have committed no crime before the country. Pardon me, that I can not indicate address in this statement for the simple reason that I do not have it anymore" (the style is retained).

The official letters sent to the executive and legislative authorities by the Roland Bladadze's defenders of the legitimate interests were left unrequited. The only reply prepared in connection with the case belongs to the Parliamentary Human Rights and Civil Integration Committee as well as Legal Issues Committee of the Parliament.

The letter referred to the Secretary of High Council at the Supreme Court of Georgia, in 2004-2008 by the Parliament's Legal Affairs Committee Chairman – Levan Bezhashvili states: "Parliament's Legal Issues Committee received Marina Eselidze's statement, where applicant notes that with the decision of September 14, 2004 Supreme Court of Adjara A/R confiscated the property as being illegal and unjustified belonging to her husband - Roland Bladadze without examining the merits of the case. However, they learned about this decision almost a year later. In addition, the applicant notes that they were in possession of the residential apartment located on Era str. #37, Batumi, while the rest of the confiscated property was owned neither by them nor by their close relatives. In addition, the citizen asserts, that the property recognized as illegally and unjustifiably acquired was purchased by him a few years before he was appointed on the position of government official. The applicant indicates on a number of due process violations by the Kutaisi Appeal Court. Please, consider these facts and in case of violation by the court, if any, take appropriate measures within your competence in accordance with the legislation" (the style is retained)²⁰

It should be noted that the letter with the similar content was prepared by the Parliamentary Human Rights and Civil Integration Committee Chairman – Elene Tevdoradze in 2004-2008, which was sent to the head of the Human Rights Department at the General Prosecutor's Office of Georgia. In this letter, Elene Tevdoradze put emphasis on the fact that "the citizen is requesting to take necessary measures in order to not be left

²⁰ Legal Affairs Committee of the Parliament of Georgia, Recourse #3130-07 to the Secretary of High Council at the Supreme Court of Georgia - Valeri Cercvadze of June 20, 2007.

without house with three minor children, putting the family in the intolerable situation. The reason for our application is solely the fact that investigation was conducted in the defendant's absence. The apartment located on Era str. was purchased by the defendant 2 months before the appointment, which suggests that perhaps the court's decision was hasty, without the examination of the merits of the case. Also, it is interesting that the applicant neither refer to her husband's accusation, nor to the seizure of the rest of the property. Basically, what is disputed is the deprivation of the residential apartment on the Era str. She also notes that the government is going to give the apartment to the chairman of the Constitutional Court of Georgia. Please, examine reality of the facts brought up by the statement and in case of confirmation, prosecution service executives refer this case to the Court for the re-examination of the case, as far as the context of the application creates reasonable doubt that in fact defendant's constitutional and internationally established rights and obligations were violated" (the style is retained)²¹. However, parliamentary committees' statements were not followed by any results. The authorized decision-makers lacked appropriate political and legal will.

Roland Bladaze's legal representatives' assumption turned out to be true. Real estate located on Era str. #37, flat #8, Batumi which according to the Adjara A/R Administration Law and Taxation Panel's decision of September 10, 2004 was deemed to be illegal and unjustified was transferred to the State after which through the way of direct sale it was given to Giorgi Papuashvili - Chairman of the Constitutional Court of Georgia at a symbolic price of 1000 GEL.²²

On June 26, 2007 according to the Presidential Decree #285, the decision on the "Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia" entered into force. The President's decree notes that as regards to the replacement of the Constitutional Court in Batumi, the members of the Constitutional Court as indicated below, will be given state property (including the plot of land partially attached to it) in the form of direct sale at a symbolic price of 1000 (thousand) GEL in order to ensure decent working and living conditions for the members of the constitutional court:

1. Chairman of the Constitutional Court of Georgia Giorgi Papuashvili - Era Str. # 37, apartment No. 8, Batumi;
2. Deputy Chairman of the Constitutional Court of Georgia Konstantine Vardzelashvili – Chavchavadze str.# 113, Flat # 8-9;
3. Deputy Chairman of the Constitutional Court of the Georgia Besik Loladze - Gamsakhurdia str.# 2, apartment # 39, Batumi;
4. Member of the Constitutional Court of Georgia, Vakhtang Gvaramia – Asatiani str. # 8, apartment No. 3, Batumi;
5. Member of the Constitutional Court of Georgia, Ketevan Eremadze – Gamsakhurdia str. # 38, apartment No. 6, Batumi;
6. Member of the Constitutional Court of Georgia, Besarion Zoidze, Rustaveli str. # 22, apartment No. 1, Batumi;

²¹ Parliamentary Human Rights and Civil Integration Committee Recourse #3132-07 to the head of the Human Rights Department at the General Prosecutor's Office of Georgia – Archil Giorgadze, of June 18, 2007.

²² On July 14, 2006 Giorgi Papuashvili was appointed as a member of Constitutional Court of Georgia by the President of Georgia and on September 29 he was elected as a Chairman of the Constitutional Court of Georgia by the Plenum of the Constitutional Court. Present – Chairman of the Constitutional Court of Georgia

7. Member of the Constitutional Court of Georgia, Otar Sichinava - Rustaveli str. # 22, apartment No. 9, Batumi;
8. Member of the Constitutional Court of Georgia, Joni Khetsuriani –Griboedovi str. #28, apartment No. 13, Batumi;

On June 6, 2007, according to the President's decree, state property privatization terms were specified so as to pay privatization fee within 2 years and three months after the conclusion of the relevant contract. In case of the termination of the Constitutional Court member's authority, they had to return back transferred property free of charge to the State, within 2 years after the conclusion of the relevant contract buyers were deprived to alienate, to hand over for temporary use, mortgage or otherwise grant the title on the specified state property and within 2 years after the conclusion of the relevant contract, judges of the Constitutional Court had an obligation to take care for the maintenance and protection of the transferred property. According to the Presidential Decree, the Ministry of Economic Development was charged with the implementation of legislative measures in order to fulfill the order.

Due to the Order #1–1/905 of the Minister of the Economic Development of June 6, 2007,²³ apartment located on Era str. #37, Flat #8, with the partially attached plot of land to it, was granted to the chairman of the Constitutional Court of Georgia - Giorgi Papuashvili. On June 19, 2007 in connection with the transfer of the real property, the State and Giorgi Papuashvili signed the receipt and handling act.²⁴ On June 20, 2007, a contract of sale was concluded between the State and Giorgi Papuashvili as regards to the real estate and according to the Order of the Minister of the Economic Development of July 16, 2007, the chairman of the Constitutional Court was granted title deed on the residential apartment located on Era str. #37, flat #8, Batumi and partially attached plot of land to it.

On June 21, 2007, as regards to the real property, the State and Giorgi Papuashvili concluded the contract of sale,²⁵ while on July 16, 2014 the Order of the Minister of the Economic Development of Georgia,²⁶ granted the certificate of ownership to the Chairman of the Constitutional Court of Georgia on the apartment located on Era str. #37, flat #8, Batumi and partially attached plot of land to it.²⁷

On April 12, 2013 Adjara A/R Prosecutor's Office adopted a resolution on the termination of the criminal prosecution against Roland Bladadze.²⁸ The Prosecutor's Office terminated criminal prosecution against Roland Bladadze due to the lack of actions. The Prosecutor's office abolished imprisonment as the selected measure by the Order of September 9, 2004 by the Judge of the Batumi City Court and the same court's decision rendered on September 9, 2014 on the commencement of the prosecution against Roland Bladadze. The decision was based on the comprehensive study and fact verification on the case. In particular, based on intermediate acts, relied by the investigation authorities as an evidence proving accusation against Roland

²³ Order of the Minister of the Economy Development – Giorgi Arveladze on the “Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia” of June 14, 2007.

²⁴ The receipt and handling act concluded between the State and Chairman of the Consitutional Court of Georgia, signed on June 19, 2007.

²⁵ The Contract of Sale concluded between the State and Chairman of the Consitutional Court of Georgia, signed on June 21, 2007 and certified by the Notary.

²⁶ Order of the Minister of the Economy Development – Giorgi Arveladze on the certification of ownership of June 16, 2007.

²⁷ The certificate of ownership #352–3, issued by the Ministry of the Economic Development of Georgia on August 6, 2007.

²⁸ Resolution of the Adjara A/R Deputy Prosecutor – Irakli Imerlishvili on the termination of the criminal prosecution against Roland Bladadze of April 12, 2013.

Bladadze and drafted as a result of the complex revision held in the Customs Division of Adjara A/R on July 2 and August 9, 2004, Adjara A/R Prosecutor's Office failed to prove Roland Bladadze as being a responsible person for the customs clearance on the imported palm trees from Turkey to Georgia. The Prosecutor's office indicated that the act enlisted only individuals on the head position, which worked on the Sarpi Custom Border in the specified period of time. Interrogated ex-workers at the Adjara A/R Sarpi Customs Department, a total of 10 people who inspect Customs Border Checkpoint "Sarpi", unequivocally stated that customs clearance on the abovementioned palm trees was not included in the Roland Bladadze's competence. The cargo arriving on the trucks, in all cases, must undergo customs clearance at the "Adlia" customs terminal, as the investigation revealed Customs Border Checkpoint "Sarpi" never undertook customs clearance for the cargo loaded on the trucks. When questioned as a witness the head of the Adjara A/R Customs Department – Levan Gvarishvili pointed out, that as it later became known to him the palm trees were planted on the Batumi territory. Palms as a cargo belonged to the Batumi City Hall and customs duties should have been paid by the State, which will be transferred back into the budget. Accordingly, due to the fact that palms did not undergo customs clearance, the State never experienced any damage. In addition, the employees of the Ltd. "Batumgamtsvaneba", who were interrogated as witnesses (a total of 8 employees), solely confirmed the import of palm trees from Turkey, not the commitment of the crime by Roland Bladadze.

In addition, Adjara A/R Prosecutor's Office once more declared Roland Bladadze as guilty in another episode. As mentioned above, investigation did not confirm extortion of money by Roland Bladadze from the citizen – Mekheil Bogveradze. On March 20, 2013 Mikheil Bogveradze applied Adjara A/R Prosecutor's Office and asked for additional questioning on the criminal case. Mikheil Bogveradze was additionally interrogated on the same day, where he revealed that his previous testimony as regards to money extortion by Roland Bladadze was not correct. In 2004, he was interrogated about this fact for several times, at first in the Prosecutor General's Office, afterwards at the Adjara A/R Prosecutor's Office, when he gave false testimony. Mikheil Bogveradze noted that he did not consider himself as a victim nor did he have any claims against Roland Bladadze. Mikheil Bogveradze even rejected the civil lawsuit. Consequently, Adjara A/R Prosecutor's Resolution of April 12, 2013 abolished Resolution of November 15, 2004, which declared Mikheil Bogveradze as a victim and civil plaintiff.

On May 16, 2013 defender of the Roland Bladadze's legal interests, appealed to the Administrative Chamber of the Tbilisi City Court, claimed for the annulment of the Administrative Act and damages. Specifically, it claimed the annulment of the Decree #285 of the President of Georgia of June 6, 2007, the Order #1-1/906 of the Minister of the Economic Development of Georgia of June 14, 2007, the certification of ownership #352-3, issued by the Minister of the Economic Development of Georgia and compensation for the damages. Administration of the President of Georgia, Ministry of Economy and Sustainable Development of Georgia and thirdly, the chairman of the Constitutional Court of Georgia - Giorgi Papuashvili were named as Respondents on the case.

On May 21, 2013 Administrative Chamber of the Tbilisi City Court delivered its judgment on the forwarding the case to the relevant court. The court explained, that disputed real property is located in Batumi, therefore Roland Bladadze's lawsuit should be forwarded to the Batumi City Court according to the jurisdiction. The case was reviewed by the Batumi City Court on May 28, 2013, although the Administrative Chamber of the

Court dismissed the case on June 3, 2013 and ruled a judgment on the shortcoming of the case. The court demanded plaintiff's attorney to specify what he meant under the claim -compensation for the damage by restoring the initial claim. The court pointed out that if the challenged administrative acts were annulled, then initial state which existed before the adoption of the disputed Administrative Act would be restored. Therefore, plaintiff had to clearly specify, the amount of compensation of damages payable by the defendants in case the compensation was required, In addition, the Court ordered Plaintiff to present appealed Administrative Acts and to indicate main and alternative address in the lawsuit graph.

On June 18, 2013 Administrative Chamber of the Batumi City Hall, issued a judgment on the receipt of Roland Bladadze's clarified lawsuit. With the clarified lawsuit, defenders of Roland Bladadze's legal interests requested the following:

1. To annul the Order #285 of June 6, 2007 of the President of Georgia;
2. To annul the Order #1-1/906 of June 14, 2007 of the Minister of Economic Development of Georgia;
3. To annul the Order #1-1/1072 of July 16, 2007 of the Minister of Economic Development of Georgia;
4. To annul the Certificate of Ownership #352-3, issued for Giorgi Papuashvili by the Minister of Economic Development of Georgia;
5. To restore a *status quo ante*;

Batumi City Court renewed proceedings on the Roland Bladadze's case got unexpected turn. Parties to the proceeding - Ministry of Economic and Sustainable Development and third person- Giorgi Papuashvili contested the the issue of jurisdiction before the court. On September 1, 2013 Batumi City Court Administrative Chamber delivered a judgment to direct this dispute to the Administrative Chamber of the Supreme Court of Georgia.

On September 9, 2013 due to the ruling of the Administrative Chamber of the Supreme Court of Georgia, Roland Bladadze's case was sent to the Administrative Chamber of the Tbilisi City Court according to the jurisdiction. The court explained that the subject of the dispute in the lawsuit is not the real estate itself, but the action undertaken by the administrative body. In such cases, what should be determined is neither the subject matter of these acts nor the location of the disputed real estate, rather location of the administrative body issuing the act should be determinant for the establishment of the jurisdiction. Especially when the subject matter of the Administrative dispute is the action undertaken by the administrative body – legality of the administrative acts, according to the general jurisdiction rules, the claim must be presented, examined and decided by the court with the relevant jurisdiction according to the defendant's location.

The position of plaintiff - Ronald Bladadze to deem the court decision as illegal and unjustified, was assessed as subjective evaluation by the Administration of the President of Georgia and by the third person Giorgi Papuashvili, chairman of the Constitutional Court of Georgia. The defendants pointed that one of the legal grounds for the rejection of the Roland Bladadze's case expiration was the limitations period on the case. To justify this, the defendants pointed to the "Law of Georgia on Privatization" Article 11 (3) which states "the privatized state property disputes are subject to statute of limitation of three years".

The position of the Administration of the President of Georgia²⁹ is the following:

- *The evidence gathered on this case, prove that the disputed real estate was transferred to the State by the Adjara A/R Supreme Court's decision in force of September 10, 2004. This decision is still in force and there is no court proceeding as regards to its annulment. Since the disputed property at the time of transferring was deemed to be State property according to the Public Register's record, the President was entitled to issue the Act on the direct sale of the property. Therefore, the Decree #285 of June 6, 2007 issued by the President of Georgia fully complies with the law and its preparation and issuance rules are reserved.*

The position of the Ministry of Economy and Sustainable Development³⁰ is the following:

- *Ministry considers that the contested Administrative Acts are issued in full compliance with the law and there are no grounds for its annulment. The evidence gathered on this case, prove that the disputed real estate was transferred to the State by the Adjara A/R Supreme Court's decision in force of September 10, 2004. This decision is still in force and there is no court proceeding as regards to its annulment. Since the disputed property at the time of transferring was deemed to be State property according to the Public Register's record, the Ministry was entitled to undertake its privatization according to the law. Therefore, the Order #1-1/906 of June 14, 2007 and the Order #1-1/1072 of July 16, 2007 are fully consistent with the law and its preparation and issuance rules are reserved.*

The position of the Chairman of the Constitutional Court of Georgia – Giorgi Papuashvili:³¹

- *The ground for the seizure of the Roland Bladadze's property is the Adjara A.R. Administrative Law and Taxation Panel's Decision of September 10, 2004 and not the criminal prosecution against him. Criminal Prosecution has never been and could not have been related to the seizure of the unjustified property. This decision is still in force today and it is a valid ground for the loss of the plaintiff's property rights. Accordingly, the contested acts neither when issued (2007) nor up to present had connection with any of the plaintiff's rights, including property rights and due to its legal force the plaintiff has not suffered any direct and immediate damage. The disputed acts refer to the privatization of the state property. During the privatization this property was owned by the State and therefore, it was privatized. Until that time, there exists the Court decision in legal force on the deprivation of property, plaintiff has neither legal interest as to the annulment of contested acts and nor does the annulment is related to the plaintiff's property rights.*
- *The plaintiff indicates that the disputed property was not state-owned and it belonged to him. However, Adjara A/R Supreme Court's decision of September 10, 2004 proves quite the opposite. Until the Decision of September 10, 2004 is in force, the Plaintiff can not argue that during the privatization the State disposed private property, not the one belonging to it. The Plaintiff's claim involves the annulment of the Adjara A/R Supreme Court's Decision of September 10, 2004 and new ruling on this issue. The Civil Procedure Code of Georgia recognizes only one rule on the annulment of the court decision which is in force. This rule is mentioned in Chapter III of the Civil Procedure Code of Georgia and it in itself implies the applying the*

²⁹ Administration of the President of Georgia was presented by Avtandil Tetrashvili in the City Court and by Fikria Zirakhashvili in the Appeal Court.

³⁰ Ministry of Economy and Sustainable Development was presented by the Svimon Firckhalaishvili in both courts.

³¹ The counter-claim on the administrative case was prepared and presented by the chairman of the Constitutional Court of Georgia – Giorgi Papuashvili.

court and request for the annulment of the court decision or resumption of the case due to the newly-discovered circumstances., which was not carried out by the Plaintiff (he appealed to the Court). Apart from this way of examination on the case, it is unacceptable to dispute the issues on which exists court decision in force and re-application for the review, which is was Plaintiff is trying to achieve.

- *At the same time, it should be noted that when Giorgi Papuashvili signed the contract of sale with the state, in the Public Register on the basis of the Court's decision the flat was registered on the name of the State. Civil Code of Georgia, Article 312 (II) states: "in favor of the person acquiring the rights from the other person due to the agreement and when right was registered in the Public Registry under the seller's name, record of the Public Registry is deemed to be correct, except for the cases when lawsuit is filed against this record, or the buyer knew that the record was not correct." Therefore, Giorgi Papunashvili is a good faith purchaser of the property as far as at the time of the acquisition the property was registered as state-owned.*

As it has already been mentioned, in relevance with the Ruling of September 9, 2013 of the Supreme Court of Georgia, Roland Bladadze's case was transferred to the Administrative Chamber of the Tbilisi City Court according to the jurisdiction.

On November 7, 2013 the Administrative Chamber of the Tbilisi City Court rejected to satisfy the lawsuit submitted by the Roland Bladadze's legal representatives on the annulment of legal acts. The court indicated that the disputed property was state-owned at the time the direct form of privatization and Plaintiff could not point to the violation of the law at the time of the issuance of these acts, which could become the basis for invalidation of these acts. The court found that the Plaintiff failed to present counter-arguments and to point to the provisions of the law which would prove the illegality of the defendant administrative body's actions and the act issued by them, failed to indicate violations of law, absence of which would result in a different decision on the case. The court ruled that there was no ground for the annulment of the disputed individual administrative acts.

Defenders of Roland Bladadze's legal interests appealed the Ruling of November 7, 2013 of the Administrative Chamber of the Tbilisi City Court to the Tbilisi Court of Appeals and requested satisfaction of its claim with ruling anew on the case

On March 19, 2014 Ruling of the Tbilisi Court of Appeals rejected Roland Bladadze's claims and the court upheld the decision of the Administrative Chamber of Tbilisi City Court of November 7, 2013.

Tbilisi Court of Appeals did not consider the reasoning of the defenders of Roland Bladadze's legal interests, according to which Chairman of the Constitutional Court of Georgia Giorgi Papuashvili received residential apartment after the deprivation and registration in the Public Registry, which had a formal nature and Giorgi Papuashvili bought the property at a symbolic price. Defenders of legal interests note that attention should be paid whether there was a violation of law from the illegal seizure of the property until its transfer to another person. Defenders of Roland Bladadze's legal interests allege that it can be unequivocally stated that the law was violated. Accordingly, the court could not examine the Order of the President and the Order of the Minister of Economy in a separate context. Such an examination will only be effective when these Orders are viewed in the common set, which will give answer whether the law was violated.

Tbilisi City Court and afterwards, Tbilisi Court of Appeals, ignored the justification, according to which the disputed Decree of the President was based on the illegal actions undertaken against Roland Bladadze. This act violated Roland Bladadze's constitutional right – Property Right. Despite the fact that there was a court decision in force, the President of Georgia should have been more considerate as to the transfer of the deprived property to another person, even if this person was the chairman of the Constitutional Court. The President of Georgia was obliged to respond to the written notices on the case sent to him by the defenders of Roland Bladadze's legal interests. He should have examined the basis of the statements and issue the decree afterwards. The Court did not consider the legal situation, according to which deprived property, the only residential apartment of Roland Bladadze, was transferred without examining the merits of the case.

Tbilisi Appeals Court agreed with the Tbilisi City Court's justification and in its Ruling of March 19, 2014 it noted that the defenders of Roland Bladadze's legal interests failed to present counter-arguments and to indicate legal provisions which will prove illegality of the act issued by the administrative authorities. The court did not consider Roland Bladaze's legal representatives' reasoning which consistently emphasized one undeniable evidence - the violation of the law began with the Adjara A/R Prosecutor's Office and ended up with the transference to the third person. Reference to the fact that the property was seized based on the court decision being in force does not stand, as far as the President of Georgia and Minister of Economic Development were obliged to examine the issue fully and objectively before issuing the act, when they did not really have a purpose to do so. In the given case, the requirements of the law and constitution were violated at every stage and are still being violated. Accordingly, there is no legal basis for Giorgi Papuashvili to own someone else's house, which was handed to him based on the illegal decision of the President of Georgia, when Roland Bladadze had no way out.

Roland Bladadze's attorneys appealed the decision of March 19, 2014 of the Tbilisi Court of Appeals to the Supreme Court of Georgia, although the Court of Cassation has not ruled on this issue until now as of September 10, 2014.

The defender of Roland Bladadze's interests appealed Tbilisi Appeals Court Ruling of March 19, 2014 to the Supreme Court of Georgia although by the time of June 10, 2014 it is unknown whether the Court of Cassation will find the case admissible.

It should be noted that the defender of Roland Bladadze's interests, together with the application to the Tbilisi City Court on May 16, 2013 simultaneously addressed Batumi City Court for the resumption of the proceedings due to the newly discovered circumstances against the defendant - Adjara A/R Prosecutor's Office.

On August 23, 2013 Ruling of the Civil Chamber of the Batumi City Court did not satisfy Roland Bladadze's claim.³² The Court referred to the Civil Code of Georgia, Article 426 (4), according to which statement for the annulment of the decision and for the resumption of the proceedings due to the newly discovered circumstances can not be filed 5 years after the court decision came into force. The Court explained that this norm is of imperative nature and it defined that 5 years is the maximum period, after which regardless of the

³² Ruling #103 of the Civil Chamber of the Batumi City Court of August 21, 2013; Application No. 13, Judge: Khatuna Bolkvadze

grounds for the cancellation of the decision, such as annulment of the decision and the resumption of the proceedings due to the newly discovered circumstances, court proceedings can not be resumed. In addition, the court indicated that the evidence presented on the case and Ruling of November 24, 2005 of the Supreme Court of Georgia was deemed to establish that appeal deadline on the Ruling of the Administrative Chamber of the Adjara A/R Supreme Court of September 10, 2004 has expired on November 11, 2004. Accordingly, the Court pointed out that the abovementioned decision was in force from November 12, 2004, while the applicant's statement on the resumption of the proceedings due to the newly-discovered circumstances was presented in the Court on May 17, 2013, more than 8 years after the entry into force of the decision. According to the Civil Procedure Code of Georgia Article 426 (4) this fact excludes the possibility of the resumption of the proceedings even if there are grounds for the cancellation of the decision due to the newly-discovered circumstances.

3. Factual Analysis of the Case

Organization referred to the chairman of the Consitutional Court of Georgia Giorgi Papuashvili with the letter of June 3, 2014³³ and asked for the feedback on the following issues:

1. Did you have any information about Roland Bladadze, in particular, information about the prosecution and crime alleged by the State Prosecutor ? What information did you possess about the former owner of the real property before it was handed to you due to the President's decree?
2. What is your position after the Adjara A/R Prosecutor's Office adopted a resolution on the termination of the criminal prosecution against Roland Bladadze, do you find yourself facing the legal dilemma – how legitimate it is to own and live in the property, when the politically motivated charge has been nullified for the former good faith owner?
3. What is your attitude towards the members of the Constitutional Court who refused to accept the property confiscated by the State? If your colleagues – distinguished judges with highly professional biographies refuse to take in possession the property confiscated by the State, how justified is the decision of the Chairman of the Constitutional Court to live in the former property of Roland Bladadze against whom no accusation has been proved.
4. Do you think that after the Adjara revolution in 2004, selective justice was applied against Roland Bladze? Whether the case was politically-motivated against him as a former team member of the Adjarian commander and as an unacceptable figure for the new government which came to power as a result of the "Rose Revolution" 2003? Otherwise, how would you explain Adjara A/R Prosecutor's resolution of April 12, 2013 on the termination of the criminal prosecution against Roland Bladadze?
5. Do you think that the questions on the Roland Bladadze's case against the chairman of the Constitutional Court of Georgia, which directly or indirectly connects you with the disputed real property, will influence the degree of independence of the Constitutional Court as a whole? Is the existing decision

³³ NGO "Young Barristers" referred to the Chairman of the Consitutional Court of Georgia Giorgi Papuashvili on June 3, 2014.

related to the credibility and impartiality of the Constitutional Court of Georgia as far as you are high representative of the Constitutional Court.

6. What is your position as to another factor in Roland Bladadze's case, when you are party to it. In particular, how legal was the appropriation of the supporting building owned by Roland Bladadze, namely agricultural storeroom, garage area equaling to 36,63 sq.m., main entrance – 13 sq.m. and attic extension – 59.31 sq.m. of total – 62.31 sq.m.?
7. How do you assess legality and legitimacy of owning a garage, belonging to Roland Bladadze when ownership on the real property belonged to Roland Bladadze and garage has not been seized by the State. Not a single decision of the Court mentions confiscation of the garage.
8. You serve as a chairman of the Constitutional Court of Georgia, when the law and authority imposes a higher standard of responsibility. Therefore, your view and position is important. How do you assess illegal confiscation of the property of nationals, business representatives and various groups by the government over the 2003-2012.
9. How do you assess granting of the property by the State at the symbolic price?
10. How do you assess the initiative to set up the Commission on finding Miscarriages of Justice which, one's point of view, was supposed to have been under the competence of the Constitutional Court of Georgia?
11. As a Chairman of the Constitutional Court of Georgia and senior legal specialist, how do you assess the decisions of the Court on Roland Bladadze's Case? In particular, the decisions where you are involved as a party?
12. As a Chairman of the Constitutional Court of Georgia and legal specialist how do you think to eradicate the problem and return illegally confiscated and transferred property by the State to the citizens?

In order to find out why there was a delay in the Chairman's response, organization communicated with the head of the organizational department of the Constitutional Court of Georgia – Liana Bagashvili on June 23, 2014 who replied with the loud and harsh tone, that response may be prepared or may be not. In order to receive the information and to study more about the case, the organization communicated with the press-secretary of the Chairman of the Constitutional Court of Georgia – Miniko Beridze, who expressed a desire to engage in the process of response.

The letter #01/01-295 of June 26, 2014 from the head of the organizational department of the Constitutional Court of Georgia – Liana Bagashvili, the questions asked to the Chairman of the Constitutional Court of Georgia were answered. In particular, the response from the Constitutional Court of Georgia reads: Due to the amendments of June 7, 2006 to the Organic Act on "the Constitutional Court of Georgia", Article 53, Batumi was defined as the location for the Constitutional Court of Georgia. According to the Law of Georgia on the "Social Protection Guarantees for the members of the Constitutional Court of Georgia", all the members of the Constitutional Court of Georgia were granted state-owned residential real estates in the city of Batumi by the state in order to ensure the living conditions for them. Following the fact, that the members

of the Constitutional Court of Georgia were granted houses in Batumi by the state based on the grounds set forth in the current legislation and determined by the law, they received perfected title from the registered legal owner in the Public Registry. Also, this is to inform you that the other issues raised by your letter goes beyond the competence of the Constitutional Court of Georgia defined by the Georgian Legislation (the style is retained).

Organization referred to the Minister of the Economy and Sustainable Development Giorgi Kvirikashvili with the letter of June 10, 2014³⁴ and wondered about the judges who accepted and rejected transfer of the real property at a symbolic price in accordance with the President's decree and who is the owner of the transferred property for the year of 2014.

- 1. How many members of the Constitutional Court of Georgia signed a sales contract offered by the State according to the Order #1–1/906 of the Minister of the Economic Development of June 14, 2007 “Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia”?**
- 2. How many members of the Constitutional Court of Georgia refused to accept real property at a symbolic price according to the Order #1–1/906 of the Minister of the Economic Development of June 14, 2007 “Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia”? Please provide us with the information as to who were these officials?**
- 3. In accordance with the Order #1–1/906 of the Minister of the Economic Development of June 14, 2007 “Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia” how many members of the Constitutional Court of Georgia sold the real property transferred by the State within the deadline recognized by the Order?**

Relying on the data provided by the National Agency of the Public Registry of the Ministry of Justice, the organization established, that the judges of the Constitutional Court of Georgia, who became the real estate owners in Batumi as a result of the Presidential Decree #285, June 6, 2007, sold the property and many of them are under the mortgage. The only person who maintained the property right is the Chairman of the Constitutional Court of Georgia – Giorgi Papuashvili, who resides in the Roland Bladadze's confiscated property on Era str. #37, apartment #8.

The monitoring revealed that in 2007 the property transferred at a symbolic price – 1000 GEL is no longer owned by the judges:

1. The Deputy Chairman of the Constitutional Court of Georgia, Konstantine Vardzelashvili's real estate located on Chavchavadze str. #113, apt #8-9, Batumi is now owned by Temur Gogichaishvili. The judge sold his property on 02/06/2011;
2. The Chairman of the Constitutional Court of Georgia, Besik Lomidze's real estate located on Gamsakhurdia str. #2, apt. #39, Batumi is now owned by Laura Tsintsadze. The judge sold his property on 29/01/2013;

³⁴ NGO “Young Barristers” referred to the Minister of Economy and Sustainable Development Giorgi Kvirikashvili on June 10, 2014.

3. The member of the Constitutional Court of Georgia Vakhtang Gvaramia's real estate located on Asatiani str. #8, apt#3.
4. The member of the Constitutional Court of Georgia Ketevan Eremadze's real estate located on Gamsakhurdia str. #38, apt #6, Batumi is now owned by Irma Berdzenishvili. The judge sold the property on 01/11/2009;
5. The member of the Constitutional Court of Georgia Besarion Zoidze's real estate located Rustaveli str. #22, apt #1, Batumi is now owned by Ltd. "Mix-Batumi". The judge sold the property on 26/12/2011;
6. The member of the Constitutional Court of Georgia Otar Sichinava's real estate located on Rustaveli str. #22. apt #9, Batumi is now owned by Ltd. "Mix Batumi". The judge sold the property on 04/11/2011;
7. The member of the Constitutional Court of Georgia Joni Khetsuriani's real estate located on Griboedovi str. #28, apt 13, Batumi is now owned by Nana Asatiani. The judge sold the property on 03/02/2010;

Organization referred to the Minister of the Economy and Sustainable Development Giorgi Kvirikashvili³⁵ and asked about the position of the new government about the illegally and unjustifiably confiscated property over the governing period of 2003-2012.

1. **What is the position of the Ministry of Economy and Sustainable Development about the affected citizens who were illegally and unjustifiably deprived of their property over the governing period of 2003-2012, after the parliamentary elections of October 1, 2012?**
2. **Are there registered applications of the citizens who demanded the return of the illegally and unjustifiably confiscated property over the governing period of 2003-2012, after the parliamentary elections of October 1, 2012? Please provide us statistics about such applications from October 1, 2012 until June 10, 2014.**
3. **Was there even a single case when illegally and unjustifiably confiscated property returned back to the affected citizen over the governing period of 2003-2012 due to the decision of the Ministry of Economy and Sustainable Development as to June 10, 2014? In this regard, please provide us with the complete information.**

According to the letter #08/3771 of June 20, 2014 of the Ministry of the Economy and Sustainable Development "the the document management software of the Ministry of Economy and Sustainable Development fails to find the accurate statistics requested by the paragraph 2 of the letter, although the Case Management Unit has carried out thematic search on the citizen's applications, according to which from October 1, 2012 till June 10 of the current year, the software has found 60 citizens' application with the same content."³⁶

Organization referred to the High Council of Justice of Georgia on June 9, 2013³⁷ and in regard to the Roland Bladadze's case wondered about the activities of those judges in the Common Courts system of Georgia who ruled on the seizure of Roland Bladadze's real property in 2004.

³⁵ NGO "Young Barristers" referred to the Minister of Economy and Sustainable Development Giorgi Kvirikashvili of June 10, 2014.

³⁶ The letter #08/3771 of the Ministry of Economy and Sustainable Development of June 20, 2014.

³⁷ NGO "Young Barristers" referred to the High Council of Justice of Georgia on June 9, 2014.

1. Whether the following judges - Davit Ananidze, Rezo Beridze and Ilia Kadamadze still exercise their judicial powers in the Common Courts system as to June 9, 2014? Note: aforementioned judges served at the Adjara A/R Supreme Court Administrative Law and Taxation Panel for the year of 2004.
2. If Davit Ananidze, Rezo Beridze and Ilia Kadamadze exercise judicial power in the Common Courts system for June 9, 2014, please indicate in which territorial authority do they serve?
3. If Davit Ananidze, Rezo Beridze and Ilia Kadamadze do not exercise judicial power in the Common Courts system for June 9, 2014, please indicate the term after which they no longer serve as judges and on which ground?
4. If Davit Ananidze, Rezo Beridze and Ilia Kadamadze are included in the reserve of the judges as to June 9, 2014?
5. If Davit Ananidze, Rezo Beridze and Ilia Kadamadze applied to the vacant positions at the High Council of Justice and in what period?

According to the Letter #684/879 of June 19, 2014 of the High Council of Justice of Georgia, “ As of June 9, 2014, Jemal Kiknadze, Davit Ananidze, Revaz Beridze and Ilia Kadamadze do not perform judicial duties. On February 22, 2007 Ilia Kadamadze, On April 16, 2008 Davit ananidze and on August 2, 2010 Jemal Kiknadze quit the job on their own initiative. As for Revaz beridze, he was dismissed on September 22, 2005 on the ground that he reached the age of 65. In addition, Davit Ananidze, Rezo Beridze and Ilia Kadamadze did not apply on the vacant position of the judge in the High Council of Justice from the year of 2007 until now”.³⁸

Organization referred to the Chief Prosecutor of Georgia Giorgi Badashvili with the letter of June 6, 2014³⁹ and wondered about the activities undertaken by the Adjara A/R Prosecutor Giorgi Papuashvili in the Prosecution Service in 2004, who made a decision on criminal prosecution against Roland Bladadze and seized real property.

1. Does Giorgi Papuashvili serve as prosecutor/investigator in the Chief Prosecution Office of Georgia as to June 6, 2014 ?
2. Does Giorgi Papuashvili serve in the system of the Chief Prosecution Office of Georgia as to June 6, 2014? If yes, please indicate his current status and working place.
3. If Giorgi Papuashvili no longer works in the system of the Chief Prosecution Office of Georgia as to June 6, 2014, please, provide us with the information after which term he no longer works there?

According to the letter #13/37909 of June 16, 2014, the information was provided that “as of today, Giorgi Papuashvili is working on the position of the deputy of the Shida Kartli and Mtskheta-Mtianeti district prosecution office”.⁴⁰ In order to verify the fact of Giorgi papuashvili’s working in the Prosecution offices, including the deputy position in the Shida Kartli and Mtskheta-Mtianeti district, addressed to the Chief Prosecutor’s office for the second time on August 29, 2014 as far as the news broke out about the resignation of

³⁸ The letter of #684/879 of June 19, 2014 of the High Council of Justice of Georgia.

³⁹ NGO “Young Barristers” referred to the Chief Prosecutor of Georgia on June 6, 2014.

⁴⁰ The letter of the #13/37909 of June 16, 2014 of the Chief Prosecutor’s Office of Georgia.

Giorgi Papuashvili from his position. This information proved to be reliable. According to the letter of September 5, 2014 of Chief Prosecutor of Georgia“ as of today, Giorgi Papuashvili is not working at the Prosecutor’s Office. He was dismissed from the position of the deputy of the Shida Kartli and Mtskheta-Mtianeti district Prosecutor and deposed from the prosecution on August 1, 2014. .⁴¹

Organization referred to the Chief Prosecutor Giorgi Badashvili with two letters for the second time,⁴² and asked about the current activities of the prosecutors/investigators who made a decision on the Roland Bladadze’s case.

1. Does Shota Bolkvadze serve as prosecutor/investigator in the Chief Prosecution Office of Georgia as to June 9, 2014 ?
2. Does Shota Bolkvadze serve in the system of the Chief Prosecution Office of Georgia as to June 9, 2014? If yes, please indicate his current status and working place.
3. If Shota Bolkvadze no longer works in the system of the Chief Prosecution Office of Georgia as to June 9, 2014, please, provide us with the information after which term he no longer works there?
4. Does Valerian Cercvadze, Vladimir Khuchua and Giorgi Khizanishvili serve as prosecutor/investigator in the Chief Prosecution Office of Georgia as to June 9, 2014 ?
5. Does Valerian Cercvadze, Vladimir Khuchua and Giorgi Khizanishvili serve in the system of the Chief Prosecution Office of Georgia as to June 9, 2014? If yes, please indicate their current status and working place.
6. If Valerian Cercvadze, Vladimir Khuchua and Giorgi Khizanishvili no longer work in the system of the Chief Prosecution Office of Georgia as to June 9, 2014, please, provide us with the information after which term they no longer work there?

According to the written reply #13/37910 and #13/37911 by the Chief prosecutor of Georgia on June 16, 2014, “As of today, Shota Bolkvadze is not working in the Prosecutor’s Office of Georgia. He was dismissed from the position of Senior Investigator of Adjara A/R Prosecution office, investigation unit on July 8, 2010”⁴³. Also, according to Prosecutor’s Office of Georgia “As of today, Valeri Cercvadze, Vladimir Khuchua and Giorgi Khizanishvili do not work in the Prosecutor’s Office of Georgia. In particular, Valeri Cercvadze was dismissed on February 23, 2005 from the position of head of the Legal support department of Prosecutor’s Office of Georgia and was dismissed from the Prosecutor’s Office. Giorgi Khizanishvili was dismissed on October 6, 2006 from the position of deputy-head (I category) of the Legal Support department of Prosecutor’s Office of Georgia and was dismissed from the Prosecutor’s Office, as for Vladimir Khuchua was dismissed on May 23, 2011 from the position of deputy-head (I category) of the department of procedural guidance of investigation in general inspection, department of the Central Criminal Police and department of the patrol Police of the Ministry of Internal Affairs, Prosecutor’s Office of Georgia.”⁴⁴

⁴¹ The letter #13/55645 of September 5, 2014 of the Chief Prosecutor’s Office of Georgia.

⁴² NGO “Young Barristers” referred to the Chief Prosecutor of Georgia on June 9, 2014.

⁴³ The letter of Chief Prosecutor of Georgia #13/37910 of June 16, 2014 .

⁴⁴ The letter of Chief Prosecutor of Georgia, #13/37911 of June 16, 2014.

4. Conclusion

Examination of the factual and legal background of Roland Bladadze's case made clear the impact of political decisions on the law, which was characteristic to the governance period of 2004-2012 and carries signs of systemic crime. Law enforcement agencies, the common courts and administrative bodies were acting in line with the principle of selective justice, in order to make prominent judgement and prosecution of the representatives from the former encirclement of the commander of Adjara – Aslan abashidze.

Certain legal actions against Roland Bladadze leave space to conclude, that there had been politically motivated prosecution, gross violation of civil rights, which ultimately ended with Roland Bladadze being forced to leave Georgia and receive Russian Federation citizenship. Objective investigation on the case after October 1, 2012 and inquiry revealed, that criminal case brought against Roland Bladadze in August 2004, charging him for the failure to meet his service duties was initially unjust and was compiled with artificially created evidence.

Thorough study of Roland Bladadze's case not only in the criminal law, but also civil law perspective, as regards to the disputed issues, revealed those circumstances ignoring of which resulted in violation of his most important constitutional right - the right to fair trial, and the public institutions instead of protecting the citizen and securing impartial justice, created all the conditions, so that the rule of law would be substituted with the policy authors' subjective decisions.

In 2004, criminal prosecution against Roland Bladadze began without the sufficient evidence, which was later confirmed by the prosecutor's decision of Adjara A/R in 2013, however charging the former public official, according to present evaluation, had the following goal for undertaking further actions – to enforce political ruling, according to which Roland Bladadze's property was declared unjustified and illegal, its confiscation and the process of transfer to the government was commenced.

The real evidence in the case, the survey conducted anew after October 1, 2012 and the materials examined by the organization, revealed that government illegally seized Roland Bladadze's property and the property which was named as unjustified by the Prosecutor's office and urged to transfer it to the state, firstly did not belong to Roland Bladadze and secondly, what belonged to him was acquired by 2001, before the appointment.

The Supreme Court of Adjara did not consider this circumstance in 2004. The court only managed to keep Roland Bladadze's residential house in the Kobuleti municipality Sameba village, which could not be unjustified or illegal merely for the reason that it was inherited. The court relied solely on the prosecutor's reasonable doubt when seizing the other property (*house at the Era str. 37, Batumi, house at the N. Dumbadze's str, Batumi, car mercedez-benz WMW009 and car GAZ-31-10*) and explained that the case materials do not contain documents proving the existence of needed funds to purchase the property or tax payment documents proving that these funds are legally acquired. As if Roland Bladadze could not legally buy this property with his salary, when in fact the evidence points to the opposite factors.

In particular, according to the letter #2848 of December 22, 2008 of the National Agency of the Public Registry of the Ministry of Justice Batumi Registration Office, Roland Bladadze's property located on the Era str. 37, Batumi was signed under the name of Soso Bolkvadze due to the notarized agreement #1-33, March 14, 1998 and as a result of a sale agreement #1-27 March 15, 2000 the property was registered under Roland Bladadze's name. Due to this sales agreement, three-room apartment was transferred to Roland Bladadze a total area of 54.7 sq. m., with 42, 11 sq. m. of housing area and 12, 59 sq. m. service building, although the state deemed Roland Bladadze's property as unjustified and decided the case against the interests of the real owner. Adjara A/R Prosecutor's office raised the issue in front of the Batumi City Court to declare Roland Bladadze's property as unjustified, to seize and transfer it to the state and it reasoned that Roland Bladadze's income generated from the working on the administrative position, could not provide for the property acquisition in any case.

Meanwhile, prosecutor's justification says that from 2001 until 2004 Roland Bladadze worked at the Sarpi Border Checkpoint on the position of deputy-head, and while working on that position he received salary of 12579,39 GEL. In fact, Roland Bladadze was dismissed from that position on May 14, 2004 with the order of Customs Department head due to the absence from work for unknown cause from May 15, 2004.⁴⁵ Although, the order of dismissal was issued in violation of legislation, as far as the order indicates that Roland Bladadze was dismissed on May 15, 2004 for the being absent for unknown reasons due to the order of the order of Customs Department Head.⁴⁶

Roland Bladadze's Dismissal Order dates on May 14, 2014 while the cause for his dismissal according to the very same order is being absent from May 15, 2014 for unknown reasons which constituted gross violation of his duties at work. It is obvious, that the order is flawed as far as the ground for Roland Bladadze's dismissal is the being absent from work on the very same day, when he was already dismissed. This shortcoming, in the legal sense, means that Roland Bladadze was not discharged from the service.

Accordingly, Roland Bladadze's property, located on Era str. #37, Batumi could not have been acquired in the unjustified and illegal way, as far as the real estate was acquired and legally registered in March 2000, before Roland Bladadze occupied administrative position of deputy-head at the Adjara A/R Customs Border Checkpoint. In addition, written statement of July 7, 2005 of the Patrol Police Department of the Adjara Directorate of the Ministry of International Affairs of Georgia was left without consideration, according to which no car was registered under the name of Roland Bladadze⁴⁷, and all the other so called" seized-property, was never registered under the name of Roland Bladadze.

It should also be noted that Prosecutor's Office statement of claim was heard by the court in absence of Roland Bladadze as well as his attorneys, as far as neither Roland Bladadze nor his family was notified about the hearing. Moreover, the investigative authorities did not appoint attorney, which should have been available to him as an official according to the Civil Procedure Code of Georgia Article 81 (II) which in these category of cases is necessary and obligatory.

⁴⁵ Order #12 on Roland Bladadze's dismissal from the position, issued by the Head of Customs Department F. Surmanidze of May 14, 2004.

⁴⁶ Order #12 on Roland Bladadze's dismissal from the position, issued by the Head of Customs Department F. Surmanidze of May 14, 2004.

⁴⁷ Letter #20/7-1098 of Patrol Police Department of the Adjara Directorate of July 7, 2005.

It should be noted that the issue of court notification proved to be decisive as to lodging Roland Bladadze's complaint, when in 2005, the party appealed against the decision of September 10, 2004 of Administrative Law and Tax panel of Adjara A/R Supreme Court on the recognition of the Roland Bladadze's property as unjustified and illegal and established its transference to the state.

In its decision court indicated that it left the complaint unexamined because the legal deadline for appeal was violated. It turns out that decision of September 10, 2004 was sent to Roland Bladadze on September 10, 2004, whereas the next page reveals that on the address indicated by the courier addressee was not found and according to the neighbor, addressee – Roland Bladadze was out of town, after which above-mentioned judgement was delivered to Batumi self-governing body on October 11, 2004. The court ruled that, the appeal period should have started from the moment when the judgement was handed over to the Board, although in the given case, emerges court's unreasonable attitude. It brings question how fair was the court when it deemed the day of delivery of the judgment to the board as if it was delivered to the addressee.

According to the Civil Procedure Code of Georgia which was in force in 2004, Article 74 (I) if the courier could not find the citizen called before the court at its living or working place, the notification should be handed to any of the adult family member and if they can not be found - the owner of the house in the same building, tenant who would agree to give notice to the addressee or/and administration of his working place. The person who receives the notification is obliged to indicate its name and surname on the second copy of the notification, as well as its relation to the addressee and position held. The person who receives the notification is obliged to hand in the notification to the addressee. According to the same article, II paragraph, if addressee is temporarily missing, the person who receives the notification should indicate on the copy of the notification, where is addressee and when his return is expected. These statements should be certified and approved by the local self-government or governing body or by the administration of the addressee's working place.

In the given case, illegal action occurred when the notification was handed over, as far as notification was not delivered to any person at all, which was envisioned by the Civil Procedure Code Article 74; Notification was handed over to the Board, which is illegal as far as according to this article, board is not entitled to receive the notification, it merely confirms and certifies who received the notification, either the landlord who lives in the same house or the lessee. Accordingly, notification was handled over illegally and the court's position, that the notification delivery term should be counted from the moment when it was handled over to the Board is unjustified. Therefore, we consider that the ruling of the Supreme Court of November 24, 2005 as to deeming the appeal inadmissible is unjustified and clearly illegal.

On the Roland Bladaze's civil and administrative case the decisions and actions under taken by the Common Courts system, immediately leads to a lack of trust and presents an attitude of selective justice.

The goal of the justice was not to really protect the aggrieved party's rights and legal interests, instead it aimed to prolong the process, to find justification for all the claims towards the confiscated property in relevance to the political will and to neglect all the real evidence in the case. The courts did not pay attention to the causes and results of the case, which in the criminal and civil/administrative proceedings of Roland Bladadze, which on one hand demonstrated his innocence and on the other hand, his legal ownership of the real estate and proof of property ownership. As a result of the above-

mentioned factors, the state adopted unusual decision and deprived Roland Bladadze of his property, together with those officials who were in close relation with the Adjara A/R commander before the year of 2004 with the the ordenance of president 2007, declared their property waqs illegal and unjustified and later transferred it to the judges of the Constitutional Court of Georgia at a symbolic price. As for the situation for September 2014 Giorgi Papuashvili, chairman of the Constitutional Court of Georgia lives in Roland Bladadze's house, located on Era str. #37, Batumi.

The undertaken monitoring revealed that judges of the constitutional court of Georgia alienated the property which was confiscated from the officials who were in close relation with the Adjara A/R commander before the year of 2004 and transferred to them based on the Presidential decree of 2007.

The only person who retains ownership over the seized property and at the same time avoids public discussion on the issue until now is the chairman of the Constitutional Court of Georgia Giorgi Papuashvili. During the process of research, Giorgi Papuashvili did not answer the questions, which was sent to him by the organization on June 3, 2014. The public opinion regarding the issue of Giorgi Papuashvili is clear, although relying on the legal fact that real estate was transferred to him by the state itself can not be deemed as sufficient in the light of factual and legal circumstances, which exists in Roland Bladadze's case. Especially, in the new environment, when Roland Bladadze was found not guilty.

Adjara A/R Prosecutor's decision of April 12, 2013 utterly changes all the circumstances which existed before and therefore, the legality of the decision of September 10, 2004 of the Adjara A/R Supreme Court Administrative Law and Tax Affairs Committee is brought under question. In particular, whether the decision ruled on the legal violations was the ground for Roland Bladadze's lost property ownership. Also, the main question, which was brought by the newly revealed and newly discovered circumstances is related to the Giorgi Papuashvili's honesty in the legal relations. As a matter of a fact, Giorgi Papuashvili received Roland Bladadze's property from the state under the circumstances when there were ongoing dispute on the case in the court and Roland Bladadze's attorneys were demanding to suspend the eviction from the real estate, located on the Era str. 37, Batumi and they justified Roland Bladadze legal possibility for property acquisition and he was informed about the disputed property by the president, parliament, judicial institutions, family, although in 2007, newly elected chairman of the Constitutional Court of Georgia disregarded the fact that the citizen was deprived of the property and decided to moved to Roland Bladadze's house. Merely the fact, that Giorgi Papuashvili purchased Roland Bladadze's real estate from the state at the symbolic price of 1000 GEL, once again reveals good faith issue of the purchaser. This amount of money is disproportionate for the real estate, which was acquired by Giorgi Papuashvili in 2007.

The principle of good faith is the cornerstone of the legal civil relations, which is one of the necessary preconditions for the development of market economy, and according to the Article 8 (3) of the Civil Code of Georgia, the parties in the legal relations are required to exercise their rights and obligations in the good faith. Although this article is general provision, it entitles the court to assess each case on the basis of the moral values. Accordingly, the chairman of the Constitutional Court was expected to hold highest legal and moral responsibility, when he initiated legal actions with regard to Roland Bladadze's real estate.

While conducting the research organization paid special attention to the action undertaken by the chairman of the Constitutional Court of Georgia Giorgi Papuashvili in March 2010, according to which his property ownership over the garage belonging to Roland Bladadze was arisen and its alienation right was not confirmed neither by the sale agreement with the state nor with the other legal documents. Case materials confirm that on December 18, 2009 general meeting of the condominium was held, which discussed the only issue on the agenda – to transfer the ownership of the additional building to Giorgi Papuashvili.⁴⁸ According to the final decision of the general meeting, the reference for the National Agency of Public Registry Batumi Registration office in order to register additional building located on the Gorgiladze str. 37, Batumi – agricultural storeroom and garage, 35,63 sq. m. territory under the ownership of Giorgi Papuashvili. Condominium was not authorized to discuss and decide to transfer the ownership of the garage to Giorgi Papuashvili. Moreover, the garage was not even a common property. According to the Batumi City Hall Technical Committee decision, the garage was registered under the name of Roland Bladadze on September 11, 2000.⁴⁹ Accordingly, due to this document, only Roland Bladadze was considered as the legal owner.⁵⁰ Therefore, condominium was not authorized to discuss the attribution of garage to Giorgi Papuashvili, although the documents reveal that, with this action the state carried out another illegal act against Roland Bladadze.

Roland Bladadze's property which was not seized by the the court decision, it was fulfilled by Giorgi Papuashvili in 2010 through the condominium. Later, on autumn 2012, the garage was dismantled by the decision of Batumi City Hall and as informed by the Batumi City Hall Supervision Service on June 3, 2013, compensation of 3565 GEL was given to Giorgi Papuashvili for the dismantled garage.⁵¹ It should be noted, that condominium once again held the meeting on March, 2010, which satisfied the other demand of Giorgi Papuashvili, according to which entrance area of 13.0 sq. m. and attic adjoined area of 59,31 sq. m. from Roland Bladadze's confiscated property was transferred to the Chairman of the Constitutional Court.⁵² According to the minutes of the meeting, Giorgi Papuashvili owned a total area of 277.91 sq. m., while legal ground in the real estate transference documents indicated, that Giorgi Papuashvili owned and enjoyed newly acquired assets from the very beginning.

Roland Bladadze has already exhausted all the appeal stages in the Common Courts system provided by the law, although the judiciary failed to protect the legitimate interests of one citizen and rule against the political will.

After criminal prosecution against Roland Bladadze was ceased and his innocence was proved, the issue of proceeding with the legal dispute as to the return of the real estate located on Era str. 37, Batumi was called on agenda, in the given case new government which came to power after the parliamentary elections of October 1, 2012 publicly announced that it will withhold from political pressure on the judiciary, the court's attitude towards Roland Bladadze's case should be fairly evaluated. The court reasonably rejected Roland Bladadze's claim to annul the Order #285 of June 6, 2007 of the President of Georgia, the Order #1–1/906 of June 14, 2007 of the Minister of Economic Development of Georgia, the Order #1–1/1072 of July 16, 2007 of the Minister of Economic Development of Georgia, the Certificate of Ownership #352–3, by the Minister of Economic Development of Georgia and to compensate for the

⁴⁸ Minutes #1 of the General Meeting by the Condominium "Gazafkhuli", held on December 18, 2009.

⁴⁹ Batumi City Hall Technical Committee decision record #7 of September 11, 2000.

⁵⁰ Batumi Architecture and Urban Planning Department, Chief City Architect's V. Gogava's letter of September 25, 2000 to the Batumi City Hall Technical Inventarization Service.

⁵¹ Batumi City Hall Supervisory Service Letter #04-04/13954 of June 3, 2013.

⁵² Minutes #9 of the General Meeting by the Condominium "Gazafkhuli", held on March 2, 2010.

restoration of the real estate in the status quo ante condition, as far as the court could not exceed the requirements set by the articles 421, 423, 426 (4) of the Civil Procedure Code of Georgia, according to which statement for the annulment of the decision and for the resumption of the proceedings due to the newly discovered circumstances can not be filed 5 years after the court decision came into force, in the given case, more than 8 years passed after the decision has been adopted.

Despite the fact that currently Roland Bladadze's claim is being under the review of the Supreme Court, who had addressed it in June 2014, it is highly presumable that the Court of Cassation will uphold the justification provided by the Court of Appeal, although the cassation decision will provide for the possibility to proceed with the legal dispute in the European Court of Human Rights (Strasbourg). Moreover, additional strategy and legal effort on the national level will create the possibility for the executive and legislative branches of Georgian government to begin working on the significant national strategy on the issue of returning back the confiscated property in the years of 2004-2012, the need for which is, in our opinion, is even called by this one Roland Bladadze's story.

To the organization's judgment, in the Georgian legislative reality, the resumption or amendment of the decision as a result of the newly discovered and newly revealed circumstances, is one of the controversial issues, which is conditioned by the condensed deadlines, when the application for the resumption of the proceedings is inadmissible if 5 years have passed since the entry into force of the decision. This provision may be appealed in the Constitutional Court of Georgia, since the case law of the Constitutional Court and the decision of November 5, 2013 by the Constitutional Court's plenum on the case #3/1/531: "The citizen of Isreal - Tamaz Janashvili, Nana Janashvili and Irma Janashvili v. the Georgian Parliament" provides for the legitimate grounds. In particular, the subject matter of the dispute was examination of the constitutionality of the Article 426 (4) of the Civil Procedure Code of Georgia with the Article 42 (1) of the Constitution of Georgia.

Due to the decision of November 5, 2013 of the Constitutional Court of Georgia, court ruled in favor of the constitutional claim of the citizens of Isreal and declared unconstitutional Article 42 (1) of the Constitution of Georgia in relation to that legal content of the Article 426 (4) of the Civil Procedure Code of Georgia, which refers to inadmissibility of application on the resumption of the proceedings for the purpose of decision nullification 5 years after the entry into force of the decision by the parties envisioned in the Civil Procedure Code of Georgia Article 422 (1) "c". However, after the Georgian Parliament implemented the decision of the Constitutional Court of Georgia, Civil Procedure Code of Georgia Article 422 "b" (on the application for the nullification of the decision (ruling) still remains a problem from the practical and legal perspective, which states that **" the court decision which is in force can be annulled with the application by the interested party, if one of the parties or its legal representative (if such a representative is needed) was not invited to the proceedings"**.

There is identical provision in the Civil Procedure Code of Georgia, which was the provision annulled in 2013 by the Constitutional Court – about the inadmissibility of application on the resumption of the proceedings for the purpose of decision nullification 5 years after the entry into force of the decision by the parties envisioned in the Civil Procedure Code of Georgia Article 422 (1) "c", although, it is still unclear, whether the Parliament of Georgia is planning to go back and thoroughly specify the Articles 422, 423, 426 of the Civil Procedure Code of Georgia considering case law of the Constitutional Court of Georgia and review the statute of limitations for court application for newly-discovered and newly-revealed circumstances. In order to clarify the issue, the organization addressed to Legal Affairs

Committee of the Parliament on June 23, 2014 , although mentioned Parliament's Committee did not prepare any respond as of September 1, 2014.

The organization shares the opinion according to which “it would be reasonable if in the real estate related matter, the renewal term of the proceeding should be defined as 10 years. To its understanding, in this case, application for the annulment of the court decision in force is the only effective legal protection for the plaintiff.”⁵³ This reasoning attains even bigger practical purpose in our reality, when after the parliamentary elections of October 1, 2012, executive and legislative bodies of Georgia has changed, the reform of judiciary is in progress and the Prosecutor's Office of Georgia was addressed by a number of citizens with the claim to return back illegally confiscated, seized and forcibly conceded real estates in the years of 2004-2012. However, due to the fact that from the year of 2012 newly discovered and newly revealed circumstances are being confirmed with regard to many cases, which may become the ground for annulment of court decisions in-force, the practice of the common courts is formed in a way, that citizens, who claim to resume the proceedings based on the 5-year statute of limitation, are rejected. Roland Bladadze's case is one of those cases.

5. Recommendation Proposals

To the President of Georgia

1. It is important that Georgian president gives political assessment to the actions undertaken against the citizens in the governing period of 2004-2012 as regards to the property confiscation and secure relevant legal framework which will be directed to making fair decisions on the cases in order to protect rights and interests of the former and current good faith owners;
2. It is important that, Georgian President to announce moratorium on the disputed property which is under investigation in order to suspend alienation process initiated by the illegally acquired property owners.
3. It is important for the Georgian President to politically evaluate the decree #285 issued by its predecessor on June 6, 2007, according to which decision of the “Privatization in the form of direct sale of the state property to the members of the Constitutional Court of Georgia” entered into force and people related to the former members of the Adjara government and former commander of Adjara were deprived of their property.

To the Government of Georgia

1. It is important that the government of Georgia speed up the legal actions towards the citizens who were deprived of property in order to ensure making fair decisions for them. To use the status of “Respression Victims” with regard to the citizens who were deprived of property;
2. It is important, that the government of Georgia create legal framework and provide the status of “Victim” to the citizens who were forced to give up their property violently and illegally in the governance years of 2004-2012. To legally qualify these cases;
3. It is important that the government of Georgia continue its operations with regard to establishing Commission for the Miscarriages of Justice, which will create legal mechanism for the justice

⁵³ Constitutional Court's decision of November 5, 2013 on the case #3/1/531: “The citizen of Isreal - Tamaz Janashvili, Nana Janashvili and Irma Janashvili v. the Georgian Parliament”.

restoration process, to realize the interests of the affected citizens and solve the current reality of the human rights violation caused by the illegal/unjustified court decisions.

To the Parliament of Georgia

1. It is important that the Georgian Parliament eliminate legislative gaps, make the political and legal decision and as a result of the precedent decision of the Constitutional Court of Georgia November 5, 2013 undertake relevant amendment to the Georgian legislation in case there are no newly discovered and newly revealed circumstances, the admissibility of proceedings with the increase of the limitation period;
2. It is important that the Georgian Parliament bring in line Civil Procedure Code of Georgia Article 422(b) with the precedent decision of the Constitutional Court of Georgia on November 5, 2013 and with the Constitution of Georgia Article 42 (1), which provides for elimination of the defect and harmonization of the legislation.

To the Common Courts of Georgia

1 It is important that the Common Courts of Georgia consider the legitimate interests of the citizens who were deprived of the property, the causes and results related to the case, change the strategy and satisfy the claims of affected people with regard to use of seizure towards the real estate;

2 It is important that the Constitutional Court of Georgia consider to expand the precedent decision adopted by the Constitutional Court of Georgia on November 5, 2013 and refer to the legislative body of Georgia with the recommendation, to increase the statute of limitations for the case admissibility more than 5 years in case of newly discovered and newly revealed circumstances.

To the Chief Prosecutor's Office of Georgia

1. It is important that the Chief Prosecutor of Georgia have proper contact with the citizens who were deprived of their property in order to be fully informed about the process of investigation, stages, circumstances hindering the process and reasonable terms for the completion;

2. It is important that while investigating the case of the people who were deprived of their property, investigation be undertaken by those individuals who intentionally or unintentionally were not connected to the systematic crime process in the past;

To the Citizens who were deprived of their property

It is important that the citizens who were deprived of their property actively cooperate with the Prosecutor's Office and address common courts for the protection of their rights, in order to seize their property and to ensure that it will not be transferred, hidden or wasted before the investigation ends.

ინფორმაცია ორგანიზაციის საქმიანობის შესახებ

ორგანიზაციის სახელწოდება: ა(ა)იპ „ახალგაზრდა ადვოკატები“ ს/კ 401973094

მისამართი: თბილისი, საბურთალო, ვაზისუბნის ქ. #7

ელ-ფოსტა: pryoungbarristers@yahoo.com;

იურიდიული სტატუსი: არასამთავრობო, არაკომერციული იურიდიული პირი

დაარსების თარიღი: 2012 წლის 09 ივლისი

ვებ-გვერდი: www.barristers.ge

FB: www.facebook.com/AkhalgazrdaAdvokatebi

ბანკი: სს პროკრედიტ ბანკი, ორთაჭალის ფილიალი

ანგარიშის ნომერი: GE92PC0563600100002778

„ახალგაზრდა ადვოკატები“, დაფუძნების დღიდან, აქტიურ უფლებადაცვით საქმიანობას ახორციელებს და ახალგაზრდულ არასამთავრობო ორგანიზაციათა შორის, აქტიური წვლილი შეაქვს დემოკრატიული ღირებულებების, ადამიანის უფლებების/თავისუფლებების დაცვისა და კანონის უზენაესობის მხარდაჭერაში. ორგანიზაციის შემოსავლის წყაროა: საწევრო შენატანი; შემოწირულობები; გრანტები; კანონით ნებადართული სხვა შემოსავლები.

„ახალგაზრდა ადვოკატები“ ახორციელებს სტრატეგიულ საქმისწარმოებას, რაც საადვოკატო საქმიანობის ფორმებთან ერთად, გულისხმობს მჭიდრო ურთიერთობას საქართველოს აღმასრულებელ, საკანონმდებლო და სასამართლო ხელისუფლებასთან.

„ახალგაზრდა ადვოკატები“, 2014 წლიდან წარმოადგენს საქართველოს ადვოკატთა ასოციაციის ადვოკატთა უფლებების დაცვის კომისიის სრულუფლებიან წევრს.

„ახალგაზრდა ადვოკატები“, 2013 წლიდან წარმოადგენს „სისხლის სამართლის რეფორმის ალიანსის“ წევრ არასამთავრობო ორგანიზაციას.

„ახალგაზრდა ადვოკატები“, 2013 წლიდან წარმოადგენს HRP-ის პროექტის: „ევროსასამართლოს გადაწყვეტილებების ეროვნულ დონეზე აღსრულების მექანიზმი“ იმპლემენტაციისთვის შექმნილ არასამთავრობოთა სამუშაო ჯგუფის წევრს

„ახალგაზრდა ადვოკატები“, 2012 წლიდან ჩართულია საქართველოს პარლამენტთან არასამთავრობო ორგანიზაციათა დიალოგის ჯგუფის ფორმატში.

„ახალგაზრდა ადვოკატები“, 2012 წლიდან მონაწილეობს საქართველოს იუსტიციის სამინისტროს ინიციატივით შექმნილ იურიდიული დახმარების სამსახურის რეფორმირებისთვის ჩამოყალიბებულ არასამთავრობო ორგანიზაციათა სამუშაო ჯგუფში.

„ახალგაზრდა ადვოკატები“, 2012 წლიდან წარმოადგენს ახალგაზრდული ალიანსის: „ეკონომიკური სამართლიანობისა და ბიზნესის თავისუფლებისთვის“ სრულუფლებიან წევრს.

„ახალგაზრდა ადვოკატები“ აქტიურად თანამშრომლობს კოლეგა პროფესიულ გაერთიანებებთან, საქართველოს ადვოკატთა ასოციაციასთან, საქართველოს სახალხო დამცველის აპარატთან, საქართველოში საერთაშორისო ორგანიზაციებთან და დიპლომატიურ კორპუსთან, მონაწილეობს საერთო ღონისძიებებსა და შეხვედრებში.

„ახალგაზრდა ადვოკატები“ ორიენტირებულია კვლევით საქმიანობაზე. ამზადებს თემატურ დასკვნებს, რეკომენდაციებსა და მრგვალ მაგიდებს აქტუალური თემების გაშუქებისა და დისკუსიისათვის. აქტიურ მონაწილეობას იღებს საზოგადოებრივი ინიციატივების შექმნასა და განხორციელებაში.

პროექტი:

„ერთად ევროპული არჩევანისთვის“, 2014

„ინსტიტუციური დიალოგი აღმასრულებელ, საკანონმდებლო, სასამართლო ხელისუფლებასთან“, 2013 (მიმდინარე)

„ახალგაზრდული არასამთავრობო ორგანიზაციების სტრუქტურული დიალოგი სახელმწიფოსთან“, 2013 (მიმდინარე)

„ხუდონჰესის“ პროექტის სამართლებრივი საკითხების ანალიზი“, 2014

„ადგილობრივი ლიდერები“, 2013

კვლევები/მონიტორინგი

კვლევა: „უცნობი მილიონი ლარი – ფილმ „აგვისტოს 5 დღის“ საქველმოქმედო ვაშშმის შესახებ“, 2014

კვლევა: „კერძო სექტორში დასაქმებული დედების უფლებრივი მდგომარეობა“, 2014

კვლევა: „პოლიტიკოსების ქონებრივი დეკლარაცია და მათი ფარული ბიზნეს ინტერესები“, 2014

კვლევა: „ქართული რეიტინგული კომპანიები შრომის კოდექსის ახალ სტანდარტებთან იმპლემენტაციაში“, 2014

კვლევა: „მოქალაქეები მთავრობის საჯარო პოლიტიკის პროცესში“, 2013

კვლევა: „საქართველოს პრეზიდენტის შეწყალების სამართლებრივი ანალიზი“, 2013

კვლევა: „საპრეზიდენტო კანდიდატებისა და საპრეზიდენტო არჩევნების ნდობის რეიტინგი“, 2013

კვლევა: „რწმენისა და აღმსარებლობის გამოხატვის შესაძლებლობა საქართველოში“, 2013

კვლევა: „საქართველოს განათლებისა და მეცნიერების სამინისტროს დაქვემდებარებული სსიპ ქობულეთის საზოგადოებრივი კოლეჯი "ახალი ტალღის" ადმინისტრაციული მმართველობის გამჭვირვალობის შესახებ", 2013

კვლევა: „ქობულეთის მუნიციპალიტეტის თვითმმართველობის გამჭვირვალობა და საჯაროობა 2012 წელს", 2013

კვლევა: „ივანე ჯავახიშვილის სახელობის თბილისის სახელმწიფო უნივერსიტეტის რექტორის 2013 წლის 16 აგვისტოს არჩევნების მონიტორინგი“, 2013

კვლევა: „საბჭოთა და პოსტ-საბჭოთა ქართული ანაბრების პრობლემის სამართლებრივი ანალიზი“, 2013

კვლევა: „პარლამენტის წევრობის ახალგაზრდული ასაკის პოლიტიკური მიზანი და საერთაშორისო პრაქტიკის მიმოხილვა“, 2012

კვლევა: „საპარლამენტო არჩევნებში მონაწილე პარტიების საარჩევნო პროგრამები“, 2012

კვლევა: „გამოხატვის თავისუფლების საკითხი დამოუკიდებელი ტელეკომპანიების საქმიანობაში“, 2012

„ახალგაზრდა ადვოკატებისთვის“ მნიშვნელოვანია მკითხველის აზრი
წარმოდგენილი კვლევის შესახებ.

თუკი გსურთ მიიღოთ და გაეცნოთ კვლევის
ელექტრონულ ვერსიას, გთხოვთ ორგანიზაციას
დაუკავშირდეთ ელექტრონულ მისამართზე:
pryoungbarristers@yahoo.com

Information about the Organization's Activities:

Organization Name: Non-profit Legal Entity "Young Barristers", Reg. code: 401973094

Address: **Tbilisi, Vazisubani Street. # 7**

E - mail: **pryoungbarristers@yahoo.com;**

Legal Status: Non-profit legal entity

Establishment Date: June 09, 2012

E - mail: www.barristers.ge

FB: [www.facebook.com / AkhalgazrdaAdvokatebi](https://www.facebook.com/AkhalgazrdaAdvokatebi)

Bank: JSC Pro credit Bank, Ortachala Branch

Account number: GE92PC0563600100002778

Since its foundation "Young Barristers" is involved in human rights activities and among other youth non-governmental organizations, it contributes to the promotion of democratic values, protecting human rights and supporting the rule of law. The organization's sources of income include membership fees, donations, grants and other revenue allowed by law.

"Young Barristers" carries out strategic work, which, together with the forms of legal practice, includes the close relationship with the executive, legislative and judicial authorities.

Since 2014 "Young Barristers" is a fully-fledged member of the Committee on the Protection of the Rights of Barristers of the Georgian Bar Association.

Since 2013 "Young Barristers" is the NGO member of alliance - "Criminal Justice Reform."

Since 2013 "Young Barristers" proves to be a member of the NGOs' working group on the HRP Project: "Enforcement mechanism of the ECJ decisions on the national level".

Since 2012 "Young Barristers" is involved in the program intending the dialogue between the parliament of Georgia and non-governmental organizations.

„Since 2012 "Young Barristers" is a member organization of non-governmental organizations working team created by the initiative of Ministry of Justice in order to make reforms for the legal assistance service.

Since 2012 "Young Barristers" is a fully-fledged member of Youth Alliance: "For Economic fairness and Free Business."

"Young Barristers" actively collaborates with fellow professional associations, the Georgian Bar Association, the Public Defender's Office of Georgia, international organizations and the diplomatic corps in Georgia and participates in the common events and meetings.

"Young Barristers" is focused on the research activities. The organization prepares thematic conclusions, recommendations and roundtables for the media coverage and discussion of the current topics. Also it takes an active part in designing and implementing social initiatives.

Projects:

“Together for the European Choice” 2014 (*current*)

"Institutional dialogue with the executive, legislative, judicial authorities", 2013 (current)

"Youth NGOs structural dialogue with the government", 2013 (current)

“Legal Analysis of the Khudonhesi project”, 2014

"Local leaders", 2013 (current)

Research/Monitoring:

Research: “Unknown Million GEL – about the charity dinner of the movie “5 days of August”, 2014

Research: “Legal status of the mothers employed in the private sector”, 2014

Research: “Financial declaration of the politicians and their hidden business interests”, 2014

Research: “Top rated Georgian companies about the implementation of the new standards in the Labor Code”, 2014

Research: “Citizens in the process of public policy of the government”, 2013

Research: “Legal analysis of the act of pardon by the Georgian President”, 2013

Research: “Trust ratings of the presidential candidate and presidential election”, 2013

Research: “Possibility to express religion and belief in Georgia”, 2013

Research: “On the transparency of administrative governance of the community college of Kobuleti LEPL “New Wave,” subordinated to the Ministry of Education and Science of Georgia”, 2013

Research: "On the transparency and publicity of Kobuleti Municipality Self-government in 2012,” 2013

Research: “Monitoring of the Ivane Javakhishvili Tbilisi State University rector elections on August 16, 2013”, 2013

Research: "Legal analysis of the problem regarding the Soviet and post-Soviet Georgian deposits," 2013

Research: "Political purpose of young age of parliament members and international practice review", 2012

Research: "The issue of freedom of expression in the activities of independent TV companies," 2012

“Young Barristers” highly values Reader’s opinion on the presented case”.

*In case you would like to receive and review electronic version of the research,
Please, contact the organization on the following e-mail address:
pryoungbarristers@yahoo.com*