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*Le Président*  
The President

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Mr. Giorgi Margvelashvili  
President of Georgia  
Administration of the President of  
Georgia,  
1 M. Abdushelishvili Street  
Tbilisi 0103  
Georgia

Brussels, 26 April 2017

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE) which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers. The CCBE represents European bars and law societies in their common interests before European and other international institutions.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are among the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions. In this context, the CCBE has received concerning reports regarding the treatment of lawyers by government authorities in the following cases:

#### **Lawyer Giorgi Mdinardze**

Giorgi Minaradze is a lawyer with the State Legal Aid Service. On the night of 8 November 2015, he was tied to a chair and physically attacked by the chief of the Vake-Saburtalo police station, in Tbilisi. The lawyer was in the police station in order to defend a minor accused of robbery. After giving counsel to his client, the lawyer was called by five policemen in another room in which he was verbally and physically assaulted. Following this incident, the Ministry of Internal Affairs of Georgia issued an official statement stating that the lawyer had provoked the policemen and had abused a law. According to the latest reports from the Georgian Bar Association, the policemen involved in this case have not been investigated or detained and they continue to occupy their posts.

#### **Lawyer Mukhran Ghurtskaia**

Mr Mukhran Ghurtskaia was Mr Giorgi Mdinardze's lawyer following his assault by policemen, as mentioned above. Mukhran Ghurtskaia was consequently detained on administrative grounds while exercising his professional duties. Following a six-month trial, the court ruled that his detention was illegal. The Georgian Bar Association has repeatedly stated that his detention was based on Mukhran Ghurtkaia's active involvement in actions of protest against the torture of lawyers and due to his defence of Mr Giorgi Mdinardze.

#### **Lawyer Aleksandre Pirtskhalaishvili**

Mr Aleksandre Pirtskhalaishvili was beaten by the police on 21 December 2016. The lawyer was driving with his spouse when policemen pulled him out of his car and inflicted numerous

injuries on him. Mr Pirtskhalaishvili addressed an official complaint to the Prosecutor's Office, asking that the responsible perpetrators be investigated. As a result, on 2 February 2017, the Prosecutor's Office issued a response accusing the lawyer of resisting the police, instead of bringing action to investigate and detain those who attacked him.

### **Lawyers Natela Goderidze and Mzevinar Kostava**

The CCBE has recently received reports from the Georgian Bar Association regarding the detention of two lawyers, namely Mzevinar Kostava and Natela Goderidze, after they were accused of fraud by taking property of another person by unlawful appropriation. The two lawyers were placed in detention for 24 hours before charges were brought against them. The lawyers were charged with fraud and attempted fraud, and were sentenced to six to nine years' imprisonment. Prior to her detention, Ms Natela Goderidze claimed to have uncovered corruption in the local administration of the Tbilisi region, which she reported. Both Ms Natela Goderidze and the Bar claim that her illegal pre-trial detention is caused by her statements against the local administration.

In view of the above, the Georgian Bar Association reiterates that the detentions and accusations against lawyers are attempts to threaten the entire legal profession. The Bar expresses its deepest concerns that such actions attempt to create a precedent of prosecution of lawyers for defending the interests of their clients. Moreover, the Bar urges the Parliament of Georgia to create a temporary investigatory commission to tackle the systematic attacks against lawyers.

In light of the described cases which illustrate the overall climate in which lawyers have to exercise their profession, the CCBE remains very concerned about the situation of the legal profession in Georgia. The independence of the legal profession is one of the main guarantees for a proper administration of justice and the rule of law. Lawyers are obligated to safeguard human rights and democracy, while the democratic state is obligated to allow them to do so.

In this context, the CCBE wishes to draw your attention to the United Nations Basic Principles on the Role of Lawyers, in particular Principles 16, 17 and 18 on Guarantees for the functioning of lawyers.<sup>1</sup>

The CCBE supports the requests of the Georgian Bar Association and respectfully urges your Excellency take all necessary measures to prevent violence against lawyers in the future, and to guarantee that Georgian lawyers are able to perform their professional duties without fear of reprisal, hindrance, intimidation, or harassment.

Yours sincerely,



Ruthven Gemmell WS  
CCBE President

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<sup>1</sup> Guarantees for the functioning of lawyers, [United Nations Basic Principles on the Role of Lawyers](#)

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.