

President of Georgia, Giorgi Margvelashvili,

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

Prime Minister of Georgia, Irakli Garibashvili

Government of Georgia
7 Ingorokva St
Tbilisi 0114, Georgia

Chairman of the Georgian Parliament,
David Usupashvili

Parliament of Georgia,
26 Abashidze str.,
Kutaisi 4600, Georgia

Brussels, 18 February 2014

Your Excellencies,

Dear Mr. Chairman,

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 32 member countries and 12 further associate and observer countries, and through them more than 1 million European lawyers.

Since its establishment in 1960, the CCBE has been in the forefront of advancing the views of European lawyers, protecting the rights of citizens and defending the legal principles upon which democracy and the rule of law are based.

The Georgian Bar Association, which is an observer member of the CCBE, has drawn our attention to recent cases of intimidation of lawyers in Georgia.

Particularly, the CCBE was informed that lawyer Romeo Sajaia has been verbally and physically abused by the prosecutor, when the lawyer came to the Prosecutor's Office for a procedural action.

Lawyer Nona Kirtadze, who came to the District Court of Gori to defend her client's interests, was verbally abused in the premises of the court by an official of the Revenue Service, who tried to abuse

her physically, but was stopped by other visitors and a court guard.

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

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

The CCBE would like to stress that states have a positive obligation to guarantee the functioning of lawyers, including by safeguarding their security. The state's duties constitute an important part of the guarantees for the functioning of lawyers, which are set out in the [United Nations Basic Principles on the Role of Lawyers \(1990\)](#) (hereafter, The Basic Principles).

Particularly, Point 16 of The Basic Principles states:

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; (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.

Furthermore, Point 17 states:

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

The CCBE would also like to highlight that according to the Basic Principles, Point 18,

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

In the preamble, the Basic Principles reinforce the role of governments in ensuring the role of lawyers. In particular it states:

... The Basic Principles on the Role of Lawyers, set forth below, which have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers, should be respected and taken into account by Governments within the framework of their national legislation and practice and should be brought to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general.

The positive obligations of states regarding the rights of lawyers are also repeated in [Recommendation N° R\(2000\)21 of the Committee of Ministers to members States on the freedom of](#)

[exercise of the profession of lawyer \(adopted on 25 October 2000\)](#) (hereafter, The Recommendation).

The Recommendation, Principle 1 (General principles on the freedom of exercise of the profession of lawyer) states:

1. All necessary measures should be taken to respect, protect and promote the freedom of exercise of the profession of lawyer without discrimination and without improper interference from the authorities or the public, in particular in the light of the relevant provisions of the European Convention on Human Rights.

(...)

4. Lawyers should not suffer or be threatened with any sanctions or pressure when acting in accordance with their professional standards.

(...)

6. All necessary measures should be taken to ensure the respect of the confidentiality of the lawyer-client relationship. Exceptions to this principle should be allowed only if compatible with the Rule of Law.

In view of the above, the CCBE urges you to investigate all these facts of intimidation of lawyers and to prosecute all perpetrators of harassment and violence against lawyers.

The CCBE also asks you to take all necessary measures in order to prevent violence against lawyers in the future, and in order to ensure that Georgian lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference. All actions and threats against lawyers in the legitimate exercise of their professional duties should be immediately and effectively stopped.

We thank you for taking note of our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo Bulgarelli

CCBE President