

Directorate-General for Neighbourhood
and Enlargement Negotiations
Mr. Christian Danielsson
Director-General Enlargement
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Brussels, 22 May 2015

Dear Mr. Danielsson,

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 13 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 CCBE has been monitoring very closely the situation of the legal profession in Georgia over the past years, in particular since 2010, when it learned about the high number of imprisoned lawyers and the harassment to which lawyers were subject. The CCBE repeatedly intervened in support of the Georgian Bar Association, which is an observer member of the CCBE, and raised its concerns with the Georgian authorities. Although the situation of lawyers has improved to a certain extent in the last two years, when most lawyers were released from prison, the CCBE continues to be concerned about the situation.

In 2014 the CCBE sent two letters to the President, the Prime Minister and the Chairman of the Parliament of Georgia in which it raised serious concerns regarding cases in which lawyers faced violence, intimidation, professional obstructions and harassment from Georgian state officials while providing legal services to their clients:

(1) In its [letter](#) of 18 February 2014, the CCBE raised concerns about the following cases:

- Lawyer Romeo Sajaia, who was verbally and physically abused by a prosecutor when coming to the Prosecutor's Office for a procedural action;
- Lawyer Nona Kirtadze, who - when coming 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, and who tried to abuse her physically, but was stopped by other visitors and a court guard;

- Lawyer Dimitry Gabunia, who was 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); and
- Lawyer Goga Oniani, who was subject - together with his family members - to pressure by state officials and who was obstructed by the prosecutor from representing his client's case.

(2) In its [letter](#) of 3 June 2014, the CCBE pointed in particular to the following cases:

- Lawyer Giorgi Oniani, who was obstructed by investigators from having a confidential conversation with his client; and
- Lawyer Irakli Zaqareishvili, who was attacked by a citizen, who insulted him verbally and spat several times in his face, and said that the lawyer deserved to be spat upon, and threatened to finish initiated actions against the lawyer with physical retribution due to the fact that Irakli Zaqareishvili defended a particular person.

In those letters, the CCBE urged Georgian officials to investigate all these cases and to prosecute all perpetrators of harassment and violence against lawyers. Furthermore, the CCBE asked the Georgian authorities to take all necessary measures in order to prevent violence against lawyers in the future and to ensure that Georgian lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, referring to the states' obligations set out in the [United Nations Basic Principles on the Role of Lawyers](#) (1990) and the Council of Europe [Recommendation](#) on the freedom of exercise of the profession of lawyer of 25 October 2000.

The CCBE has never received a reply from Georgian officials to its letters of last year. In January 2015, the CCBE re-sent the letters to the Georgian President's Chief of Administration and asked for information on what actions have been undertaken to resolve these issues. To date, the CCBE has not received a reply to this letter, either.

More recently, yet another case has been brought to the CCBE's attention. The case concerns lawyer Nuzgar Samarjishvili, who was arrested in the city of Akhaltsikhe on 2 August 2014 with the accusation of "resistance, threat or violence against protector of public order". The lawyer was recording (using his cell-phone) police officers assaulting a citizen. The Deputy Chief of Akhaltsikhe police department took the lawyer's cellphone and gave an order to arrest the lawyer. The case was brought to the court, which declared the innocence of lawyer Nuzgar Samarjishvili as no evidences were presented supporting that the lawyer had committed the above mentioned offence. The President of the Georgian Bar Association, Zaza Khatiashvili, addressed the Chief Prosecutor of Georgia and demanded that the illegal detention of lawyer Nuzgar Samarjishvili be investigated. However, to date, it seems that the Prosecutor's Office has not opened an investigation into this case. We also have been alerted to another case which has been brought against lawyer Mzia Tomashvili which seems to illustrate the weak position of lawyers within the justice system. The CCBE is looking into the details of these recent cases.

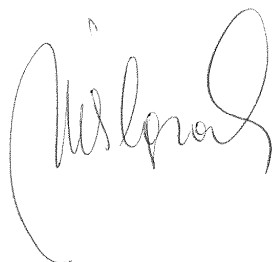
In light of the above and the most recent case, which illustrate the overall climate in which lawyers have to exercise their profession in Georgia, the CCBE remains very concerned about the situation of the legal profession in Georgia.

This is why the CCBE asks you to address the Georgian authorities with the request to provide information about the above-mentioned cases. The CCBE also asks you to urge them to take all necessary measures in order to prevent violence against lawyers in the future, and to ensure that Georgian lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Please do not hesitate to contact me if there is anything I can assist you with, in order to resolve this issue.

We thank you for taking note of our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Maria ŚLAZAK', with a large, sweeping flourish at the end.

Maria ŚLAZAK
President

Enclosures:

CCBE letter of 18 February 2014

CCBE letter of 3 June 2014