

BILL BOWRING - EXPERIENCE IN GEORGIA

1. I have visited Georgia on many occasions. My first visit was in a private capacity in 1986, during the Soviet period, when I visited Tbilisi, Gori, Kutaisi, and Sukhumi.
2. Since the break-up of the USSR, I have been invited on a number of occasions to lecture to human rights organisations, especially the Georgian Young Lawyers Association (GYLA), which was at that time led by Tinatin Khidasheli.
3. I was one of the Council of Europe's experts advising on compatibility of Georgian law and practice with European standards, in 2001-2002, and visited Tbilisi for this purpose. The leader of this project was Dr. Inete Ziemele, who is now the Latvian judge at the European Court of Human Rights.
4. In 2004 I was the legal rapporteur for the Council of Europe's "Education Policy and Minorities" project, and attended conferences and advised in Tbilisi in this capacity.
5. I was from 2003 to 2005 the Senior Legal Adviser to the European Union's TACIS project, managed by the British Council, on reform of the Prosecutors' Office. For this project I visited Tbilisi on a total of 20 occasions. I was responsible for the project component designed to develop a curriculum and implement a comprehensive programme of training. With a team from my Institute at London Metropolitan University, and together with a group of the best young Georgian experts, I provided training in European human rights standards for each of 660 prosecutors in Georgia. Together with leading Georgian lawyers, my team developed extensive training materials, and designed a two day course which was delivered in 14 sessions in Tbilisi and two regions of Georgia (in Bakuriani and Chakvi). Prosecutors were tested on their knowledge at the beginning and end of the course, and participated in interactive group-work on typical problems facing Georgian prosecutors in their daily work. This training started in late 2004 and was completed in mid 2005. My Georgian interlocutor was the Deputy Prosecutor General, Nona Tsotsoria, who is now the Georgian judge at the European Court of Human Rights.

6. I visited Georgia on 19 October 2005, when I was the Council of Europe's Expert for a Round Table meeting on Georgia's ratification of the European Charter for Regional or Minority Languages.
7. Together with colleagues from the European Human Rights Advocacy Centre, of which I am the founder and now the Chair, I have been since 2006 working with the Georgian human rights NGOs GYLA (see above) and Article 42 of the Constitution on cases taken by against Georgia to the European Court of Human Rights.
8. From 15 August 2006, when an application was lodged with the European Court of Human Rights, I represented together with Sophio Japaridze of GYLA the applicant in *Tsintsabadze v Georgia*¹. On 22 July 2007 the case was prioritised by the Court, and on 15 February 2011 a judgment was handed down. It will be noted that even a case which has been given priority takes a minimum of 5-6 years. The Court concluded that Georgia had failed to satisfy the burden of proof resting on it to provide a satisfactory and convincing explanation as regards Zurab Tsintsabadze's death, which occurred in suspicious circumstances in prison, thus directly engaging the State's responsibility for the loss of life. It follows that there had been a violation of Article 2 of the Convention. Ms Japaridze was for a period Deputy Minister for Prisons (under Mr Sozari), but has returned to work in Civil Society.
9. I have worked on a number of similar cases against Georgia with GYLA and Article 42.
10. In 2006 to 2007 I led a team which was engaged to execute a project for the Committee for the Prevention of Torture (CPT) of the Council of Europe, concerning prison conditions in Albania, Georgia and Moldova. I took responsibility for Georgia and made visits to Tbilisi for that purpose. I met senior officials in the Georgian penitentiary system including the Deputy Minister of Justice, the Deputy Minister of the Interior, and Sozar Subari, at that time the Public Defender of Georgia (the Georgian Ombudsman). The background to this study was the fact that despite CPT Reports published on 25 July 2002 (relating to a visit in 2001)² and 30

¹ See

<http://www.londonmet.ac.uk/research-units/hrsj/affiliated-centres/ehrac/ehrac-litigation/case-summaries/georgia/tsintsabadze-v-georgia.cfm> for a summary of the case and links to ECtHR documents.

² <http://www.cpt.coe.int/documents/geo/2002-14-inf-eng.htm> (accessed on 21 September 2014)

June 2005 (relating to visits in 2003 and 2004)³, detailed recommendations from the CPT, and Government assurances that those recommendations would be implemented, next to nothing had in fact been done, and the situation in prisons and other places of detention had in fact deteriorated.

11. On 30-31 May 2008, shortly before the “5 day war” between Russia and Georgia in August 2008, I was invited by the Council of Europe to participate in Training on selected substantive articles of the European Convention on Human Rights for the Lawyers of the Office of the Public Defender of Georgia, Sozar Subari, at that time. A number of the participants have remained in contact with me.
12. Following the “five day” war between Russia and Georgia in August 2008 I contributed to a seminar at the University of Reading and then a collection of articles entitled “Conflict in the Caucasus”.⁴
13. In May 2011 I was one of the trainers in the week-long EHRAC Regional Training Seminar “Strasbourg litigation – a regional perspective”, held in Tbilisi, which brought together 31 experienced ECHR practitioners from Russia, Georgia, Armenia, Azerbaijan and Moldova for a high-level seminar and practical discussion on topical issues relating to litigation and advocacy at the European Court of Human Rights. 11 facilitators drawn from such institutions as the European Court of Human Rights’ Department for the Execution of Judgments and leading academics from the University of Essex, UK joined EHRAC’s own legal team in providing expert input.
14. On 15 May 2014 I was invited by Baroness Vivienne Stern, founder of Penal Reform International (PRI), and Professor Andrew Coyle, of the International Centre for Prison Studies (ICPS) and former Governor of Brixton Prison, to take part, as an expert of the penitentiary system in Georgia and human rights protection in that country, in a round table meeting in London to advise the project team producing a report to evaluate the role of torture in the Georgian criminal justice system and to make recommendations to the Georgian government and to the international community.

³ <http://www.cpt.coe.int/documents/geo/2005-12-inf-eng.htm> (accessed on 21 September 2014)

⁴ Bill Bowring “Georgia, Russia and the Crisis of the Council of Europe: Inter-State Applications, Individual Complaints, and the Future of the Strasbourg Model of Human Rights Litigation” in James Green and Christopher Waters (eds) *Conflict in the Caucasus: Implications for International Legal Order* (Palgrave Macmillan, 2010) pp. 114-135,

15. I have worked closely with Baroness Stern and Professor Coyle in Russia and other FSU countries since 1997. The meeting was attended by Dr Peter Bennett, Director, ICPS, Mr Nika Jeiranashvili, Open Society Foundation Georgia⁵ (OSFG), Ms Nino Gobronidze, OSFG, Ms Lela Tsiskarishvili, OSFG, and Michael Kellett, former police officer, adviser to the CPT on police matters, and member of the FCO Sub-Group on Torture. I am continuing this work.
16. In all these visits and meetings I renew my acquaintance with legal practitioners, judges, and human rights activists. I am also in constant touch with colleagues in GYLA and Article 42 of the Constitution.

⁵ http://www.osgf.ge/?lang_id=ENG (accessed on 21 September 2014)