



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

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THE PUBLIC DEFENDER OF GEORGIA,
UCHA NANUASHVILI

1. PUBLIC DEFENDER'S WELCOME

January, the first month of the new year, is a period of new hopes and expectations. I have my hopes and expectations. I want to solve the problems that could not have been solved last year, as well as social hardship and health-related challenges, violation of human rights, return of our citizens across the dividing line; I want support, toleration, mutual respect and peace to exist in our country and in our hearts. Citizens of Georgia, I wish you health, happiness, prosperity and spiritual peace.

I would like to express my gratitude to the Ukrainian authorities, who saved vice colonel Giorgi Tsertsvadze from the danger of being transferred to Russia. My counterpart, the Ukrainian Ombudsman, Ms. Valeria Lutkovska

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took the Georgian serviceman's case under personal control and will monitor it until the Ukrainian Prosecutor General's Office does not confirm with documents that it is not going to transfer Giorgi Tsertsvadze to the Russian Federation.

Of course, the Georgian state should protect its citizen's rights everywhere, including abroad, and must do everything to prevent the transfer of its citizens to a hostile state.

On January 27, on the International Holocaust Remembrance Day, we held an event together with Foundation LEA. We lit candles and paid tribute to 6 million Jews and 2 million Gypsies killed during the Holocaust, as well as all other victims of the Nazi regime.

This day reminds us that we should be vigilant in order to prevent revival of the evil which may turn into a mass trend and a weapon of unprecedented destruction in this world full of conflicts, terrorism and fundamentalism.

In January, we dedicated our traditional public debate to the discussion of information environment in the minority-populated regions and spoke about the creation of effective system of information. We noted that the delayed integration process due to the lack of bilateral information impedes the development of a unified, strong and firm state.

I cannot but express my extremely negative attitude towards the abolition of some checkpoints by the de facto government at the dividing line. The closure of checkpoints creates unjustified obstacles to the Gali population. I appealed to the parties involved in the Geneva International talks to express clear stance and take effective measures.

Our TV project was launched in January on the Public Broadcaster, where, in agreement with the Public Broadcaster leadership, at 5:00 pm on the last Monday of each month, on the TV show Real Space, we were to talk about human rights, activities of the Public Defender's Office and answer citizens' questions. The first program went well, although due to the changes on the Broadcaster, the program may be suspended. I hope that the reforms will be carried out within the law, in a fair and transparent manner and the programs envisaged by law will be continued. The country needs Real Space in order to really see the real problems.

In addition, in our information bulletin you will find recommendations and their successful results, information about the meetings, public statements, trainings, applications and a variety of activities.

2. PUBLIC DEFENDER'S PUBLIC STATEMENTS

2.1. ABOUT VIOLENT NEW YEAR VIDEO

January 5. Public Defender Ucha Nanuashvili addressed the New Studio company, which prepared the advertising "Santa Claus was caught by Grandfather Frost", to stop circulating the advertising and to show particular caution with regard to the protection of the child's rights in the future.

The video released on the Internet shows the New Year atmosphere, which attracts the child's attention, while aftermath it shows how Georgian Grandfather Frost kills Santa Claus on the motive that he thinks that "a real man should enter the room through a door", which is witnessed by a child. There is a danger that children may im-

properly perceive the story of the advertising, which may have a negative impact on their development.

2.2. PUBLIC DEFENDER'S STATEMENT ON POSSIBLE ABOLITION OF CHECKPOINTS AT ADMINISTRATIVE BOUNDARY LINE WITH ABKHAZIA

January 6. The Public Defender negatively assessed the de-facto Abkhazian authorities' plan to abolish checkpoints at the dividing line, except for the checkpoint on the Enguri river, and stated that the closure of the checkpoint restricted the freedom of movement of the Gali population, created unjustified obstacles to their health, education, trade, maintenance of family ties, etc.

The Public Defender appealed to the parties participating in the Geneva international talks to reconsider their positions, not to take decisions which could further aggravate the situation of the conflict-affected population and escalate the already tense relations.

2.3. PUBLIC DEFENDER DESCRIBES BORJOMI MUNICIPALITY'S PROGRAM FOR NEWLY MARRIED COUPLES AS DISCRIMINATORY

January 23. The Public Defender called on the Borjomi municipality to cancel its discriminatory requirement in the program for newly married couples and to promote gender equality in the region in its future activities.

In order to enroll in the municipality's social program, which provides for one-time assistance (GEL 150), it is necessary for men to live in Borjomi, while the place of registration of women has no importance.

The Public Defender notes that similar requirement of the municipality emphasizes the dominance of men in the family and further strengthens the stereotypes about the roles of women and men in the society.

3. MEETINGS AND INTERNATIONAL VISITS OF PUBLIC DEFENDER AND HIS DEPUTIES

3.1. MEETINGS IN PANKISI GORGE

On January 10, Deputy Public Defender Natia Katsitadze met with representatives of the Salafi community of the village of Duisi, Pankisi Gorge, as well as the representatives of Council of Elders and received information about the general situation in the Pankisi Gorge, interests, goals and prospects of the youth. Other topics of discussion were the criticism expressed against the Salafi community and their visions about this issue.



Natia Katsitadze also attended a discussion held in the office of the Pankisi community radio WAY, the theme of which was “Independent actors’ role and challenges in the Pankisi Gorge”. The fire that broke out at the office of the NGO Kakheti Regional Development Fund on January 3 and alleged causes of the incident were discussed as well.

The Public Defender believes that the state is obliged to promptly and thoroughly investigate the crime and to observe the presumption of innocence until the end the investigation.

It is also very important that the safe and peaceful working environment be ensured for the non-governmental and media organizations working in the Pankisi Gorge.

3.2. PUBLIC DEFENDER MEETS WITH PARLIAMENT CHAIRMAN

On January 20, at the first official meeting with Irakli Kobakhidze, Chairman of the Parliament of Georgia, Public Defender Ucha Nanuashvili spoke about the current activities of the Public Defender’s Office, the human rights situation in the country and the main recommendations developed in this direction. Particular attention was paid to the improvement of the Law on the Public Defender and the Law on the Elimination of All Forms of Discrimination, as well as the work of the Constitutional Commission.



3.3. PUBLIC DEFENDER MEETS WITH AMBASSADOR OF GREAT BRITAIN

On January 25, Public Defender Ucha Nanuashvili and First Deputy Public Defender Natia Katsitadze met with Justin McKenzie Smith, Ambassador of the United Kingdom of Great Britain and Northern Ireland to Georgia.



The Public Defender briefed the Ambassador of the activities of the Public Defender’s Office of Georgia, the main recommendations and legislative initiatives on the improvement of human rights. Other topics of discussion were: the progress of the judicial reform, the necessity for the creation of an independent investigative mechanism, the implementation of the Law on Elimination of All Forms of Discrimination, the gender environment in the country, the human rights situation of people living in the conflict zones, the work of the Constitutional Commission and the initiatives submitted by the Public Defender to the Commission.

4. PUBLIC DEFENDER’S RECOMMENDATIONS, PROPOSALS AND GENERAL PROPOSAL

4.1. DISCRIMINATION ON GROUNDS OF RESIDENCE IN HOUSING PROCESS

On January 18, the Public Defender of Georgia addressed the Chairman of the Tbilisi City Assembly and the Tbilisi Mayor with a recommendation to observe the principle of equality and conduct active information campaign during provision of housing for the homeless persons.

According to the resolution of 27 November 2015 of the Tbilisi City Assembly, preference is given to the residents of the former military hospital of Isani and the block of flats in the Tbilisi Sea district during the consideration of the social housing of the Orkhevi residents.

The Public Defender held that the Tbilisi City Assembly failed to prove the grounds for granting the mentioned preference. According to the recommendation, solutions to the problem should not create false expectations for a vulnerable group. It is necessary for the state to realize that proper housing planning plays a major role in the

elimination of homelessness, while the lack of effective policy against homelessness may stimulate and strengthen the social segregation, which in turn may lead to a long-term inequality. The Public Defender believes that lack of effective policy against homelessness may stimulate and strengthen the social segregation, which in turn may lead to a long-term inequality.

* Tbilisi City Assembly took into account the recommendation and adopted a decree on amending the rules of providing social housing to Orkhevi residents, according to which, the norm granting preference to the residents of certain buildings has been abolished.

4.2. RECOMMENDATION CONCERNING PROBLEMS IN MARTKOPI BOARDING HOUSE FOR PERSONS WITH DISABILITIES

On January 24, the Public Defender of Georgia addressed the State Fund for Protection and Assistance of Human Trafficking Victims to take necessary measures for solving problems at the Martkopi boarding house for persons with disabilities.

The study of the case by the Public Defender revealed numerous problems in the Martkopi boarding house, including the overcrowding of the facility, inability of the administration, confrontations among all groups, lack of the right approach and relevant work strategy in relation to problems, unequal treatment of beneficiaries, transfer of beneficiaries to a psychiatric establishment or intimidation of them to be moved to such an establishment in order to defuse conflicts.

In his recommendations the Public Defender spoke about the possible solutions to the problems and indicated that it was necessary to make available the services of general-profile physician, psychiatrist, social workers, psychologists and occupational therapists; the qualification of the personnel should be developed and rehabilitation programs should be diversified; cases of violence should be timely identified and victims of violence should be properly rehabilitated.

5. ACTIVITIES OF PUBLIC DEFENDER AND PUBLIC DEFENDER'S OFFICE

5.1. 74TH SESSION OF THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

On January 25, Ekaterine Skhiladze, Deputy Public Defender, and Maya Gedevanishvili, Head of the Public Defender's Center for Child's Rights, took part in the 74th session of the UN Committee on the Rights of the Child in Geneva.

Georgia's 4th periodic report on the implementation of

the UN Convention on the Rights of the Child, as well as alternative reports of the coalition of non-governmental organizations, Georgia's Office of the United Nations Children's Fund and the Public Defender of Georgia, was reviewed at the meeting.

The Public Defender's interim report reviews the legislative changes in the field of child's rights, the rights situation of children living in the occupied territories, family environment and alternative care, the right to education, water quality in schools, prohibition of corporal punishment, mortality of children under the age of 5 years, violence towards children and other problematic issues.

5.2. PUBLIC CONSULTATION ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

On January 25, Deputy Public Defender Ekaterine Skhiladze attended a consultative meeting with Vitit Muntarhorn, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, in Geneva.

The independent expert's mandate and basic activities were discussed at the meeting. The attendees had the opportunity to provide recommendations about the future activities of the Independent Expert and opportunities of cooperation with him.

Before the meeting, the Deputy Public Defender introduced a written opinion to the Independent Expert, which reviewed the results of the Public Defender's activities in the field of discrimination, the situation of violence and discrimination based on sexual orientation and gender identity and the steps to be taken in the future.

5.3. HOLOCAUST REMEMBRANCE DAY

On January 27, the Public Defender of Georgia, together with the International Foundation LEA, held an event dedicated to the international Holocaust Remembrance Day. The event was attended by representatives of the diplomatic corps, state agencies and members of the Public Defender's Councils of Religions and Ethnic Minorities.

The participants of the event lit candles and paid tribute to the 6 million Jews and 2 million Gypsies killed during the Holocaust, as well as all other victims of the Nazi regime.

The Public Defender said that today, in the world full of conflicts, where terrorism, fundamentalism and ethnic nationalism are the major problems, we must be vigilant in order to prevent the revival of the evil which may turn into a mass trend and a weapon of unprecedented destruction.



During the event, the guests were addressed by Marine Solomonishvili, Head of the International Foundation LEA, Adel Nino, Consul of the Israeli Embassy, Mariusz Maszkiewicz, Polish Ambassador to Georgia, Janosh Herman, Head of the EU Delegation to Georgia and Niels Scott, Head of the UN Development Program. At the end of the event, Rabbi Avimelekh Rosenblatt read a memorial prayer for the victims of the holocaust



The event was organized by the Tolerance Center of the Public Defender and the Promoting Integration, Tolerance and Awareness Program (PITA) of the UN Association of Georgia (UNAG), which is funded by the US Agency for International Development (USAID).

5.4. PUBLIC DEBATE - INFORMATION ATMOSPHERE IN REGIONS DENSELY POPULATED BY NATIONAL MINORITIES

On January 27, the Public Defender of Georgia held a public debate on the information atmosphere in the regions densely populated by national minorities, where creation of an effective information system for national

minorities through the engagement of ethnic minority groups, the media, state agencies and representatives of the public were discussed.

The meeting was moderated by media expert Zviad Koridze.



During the debate, Ucha Nanuashvili said that the population of the regions inhabited by national minorities gets basic information about the events ongoing in Georgia and throughout the world from the media outlets of the neighboring countries, which impedes the process of integration. In addition, the population of the rest of Georgia has very little information about the events taking place in the ethnic minority regions, their problems and challenges.



Reports were presented at the meeting by Deputy State Minister for Reconciliation and Civic Equality Petre Kankava, Coordinator of the Public Defender's Council of National Minorities Koba Chopliani, Civil Integration Foundation Executive Director Zaur Khalilov and Editor of the information portal JNews, Rima Garibyan.

The Public Defender’s public debates are funded by the EU project “Support to the Public Defender II”.

CIVIC EDUCATION ACTIVITIES

5.5. TRAININGS OF HUMAN RIGHTS ACADEMY OF PUBLIC DEFENDER AT TBILISI PUBLIC SCHOOLS ON: CHILD AND POLICE

On January 27, the Human Rights Academy of the Public Defender delivered a short lecture course for the first experimental high school students, which was led by Saba Brachveli and Aldona Kachibaia, representatives of the Department of Criminal Justice of the Public Defender’s Office. The main topic of the course was the rights of young people above the age of 14 years during having contacts with law enforcement agencies. In particular, safeguards to protect the rights of the juveniles during police activities (stopping, questioning, identification of a person, etc.) and/or criminal procedures (arrest, search, interrogation).



A course of lectures on the mentioned topic was for the first time held for juvenile’s target group within the framework of the Human Rights Academy of the Public Defender. The educational activities will promote peaceful and legal settlement of possible confrontation between the police and the minors, which in turn, will reduce the distrust of minors in police and law enforcement agencies.

6. PERIODIC ACTIVITIES OF THE REGIONAL DEPARTMENT

KAKHETI OFFICE

6.1. LEGISLATION ON PERSONS WITH DISABILITIES AND EXISTING CHALLENGES

On January 22, Irine Oboladze, Head of the Department of Protection of the Rights of Persons with Disabilities, held training within the framework of the Bulgarian Em-

bassy-funded project at the Public Defender’s Office, the theme of which was the protection of the rights of persons with disabilities.



Training participants - people with various needs, their parents and representatives of organizations working on the relevant issue, got information about the rights of persons with disabilities, the UN Convention and national legislation, as well as the monitoring of the implementation of the Convention. The discussion also focused on the discriminatory stereotypes in the society.

6.2. ROUNDTABLE ON CITIZENS’ ENGAGEMENT MECHANISMS AND CHALLENGES OF LOCAL GOVERNMENTS

On January 24, Public Defender’s Telavi Office, within the framework of the Bulgarian Embassy-funded project, held a round table discussion for the heads of Kakheti self-governments on: “Citizens’ Engagement Mechanisms and Challenges of Local Governments”. The discussion was led by Gvanca Davitashvili, Deputy Head of the Public Defender’s Regional Department.



The participants paid particular attention to the work of the self-governments, including the low level of public engagement in budget planning and definition of priorities at the local level. They developed recommendations for deepening cooperation, which will make the work of self-governments more open, transparent and efficient.

SHIDA KARTLI OFFICE

6.3. MEETINGS WITH SCHOOL STUDENTS



On January 25-30, representatives of the Public Defender's Shida Kartli Office, Dali Janiashvili and Nino Tsomaia, held several meetings with Gori private school students and briefed them of the Public Defender's mandate, authority, main directions of the daily activities and the legislative framework that regulates the functions of the Public Defender's Office. Booklets and brochures of the Public Defender's Office were distributed.

KVEMO KARTLI OFFICE

6.4. MEETINGS WITH WORKERS OF MARNEULI MUNICIPAL UNIT OF SOCIAL SERVICE AGENCY

On January 5, representatives of the Public Defender's Kvemo Kartli Office, Irma Mchedlidze and Muradkhan Guseinov, met with the staff members of the Marneuli Municipal Unit of the Social Service Agency and spoke about the Public Defender's mandate.

Discussion was held at the meeting on the assistance to victims of domestic violence and the situation of child protection in the Municipal Unit of the Social Services Agency.

6.5. MEETINGS WITH MARNEULI PUBLIC SCHOOL TEACHERS



On January 12, representatives of the Public Defender's Kvemo Kartli Office, Irma Mchedlidze and Muradkhan Guseinov, met with 55 teachers of Marneuli public schools and spoke about the Public Defender's mandate and chil-

dren's rights. At the end of the meeting, the Public Defender's information brochures were distributed.

7. SUCCESSFUL CASES

7.1. PUBLIC DEFENDER'S RECOMMENDATION TAKEN INTO VIEW CONCERNING TEACHING OF ABKHAZIAN LANGUAGE AT ADJARIAN SCHOOLS

The Ministry of Education and Science of Georgia and the State Minister for Reconciliation and Civic Integration took into account the Public Defender's proposal on opening of groups (classes) in the Adjara region of Georgia for those wishing to study the Abkhazian language. The teaching of the Abkhazian language was launched in two schools of the Adjara region in January.

The Public Defender appreciates the fact and notes that the linguistic diversity is an integral part of the historical and cultural heritage of Georgia, and its protection and development should be promoted by the state as much as possible.

7.2. INVESTIGATION LAUNCHED ON ALLEGED CASE OF TRAFFICKING FOLLOWING PUBLIC DEFENDER'S PROPOSAL

The Chief Prosecutor's Office of Georgia took into account the Public Defender's proposal and the Ministry of Internal Affairs launched an investigation under the supervision of the Chief Prosecutor's Office into an alleged case of trafficking. In particular, the case concerned a girl, which had allegedly been subjected to labour and sexual exploitation in a strange family.

Until the Public Defender's involvement, the territorial unit of the Ministry of Internal Affairs and LEP Social Service Agency had been ignoring the signs of alleged violence and sexual exploitation.

7.3. INVESTIGATION LAUNCHED ON ALLEGED CASE OF ABUSE OF MINOR FOLLOWING PUBLIC DEFENDER'S PROPOSAL

On January 9, an investigation was launched by the Public Defender's proposal into the alleged abuse of a 15-year-old girl, who, according to the information provided to the Public Defender's Office, got married at an early age. The study of the case revealed the neglect of the parents and the risk of violation of the girl's sexual freedom and inviolability.

Unfortunately, until the involvement of the Public Defender's Office, the state agencies did not take measures

for the identification of violence and protection of the juvenile from the repeated violence.

7.4. INVESTIGATION LAUNCHED INTO CASE OF DOMESTIC VIOLENCE

On January 10, the Ministry of Internal Affairs launched an investigation under the supervision of the Chief Prosecutor's Office into the case of domestic violence.

According to the applicant, V.Ts. had been exercising physical and psychological violence against his wife T.T. and his children. On the basis of the appeal of the Public Defender's Office, the situation in T.T.'s family was studied by LEPL Social Service Agency and the territorial unit of the Ministry of Internal Affairs. The Social Service Agency confirmed domestic violence, while according to the Ministry of Internal Affairs, domestic violence had not occurred.

Despite the fact that the Social Service Agency emphasized the fact of domestic violence, including the neglect of children, and pointed out that there was no safe environment for minors in the family, the police did not support and assist the child care agency to place the children in a safe environment.

8. INTERNATIONAL STORIES ABOUT HUMAN RIGHTS

8.1. JUDGMENT OF EUROPEAN COURT OF HUMAN RIGHTS

On January 10, the European Court of Human Rights held no violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the case *Osmanoghlu and KochabaShi v. Switzerland*. The court found that Switzerland had not violated the Convention's Article 9 (freedom of thought, conscience and religion), when two Muslim students were refused to be exempted from the obligation of attending common swim lessons.

The European Court of Human Rights was appealed by two ethnic Turks residing in Switzerland, who did not let their juvenile daughters to attend obligatory swimming lessons on the religious motive.

After receiving a warning and the completion of the comprehensive consideration of the case, in 2010, the parents were fined 1300 euros, as they acted against the "parental obligation".

The Court considered that the aim of the girls' attendance at the mandatory classes was to protect foreign students from any social pressure. The interest of the child that facilitates his/her successful social integration is more important than parents' desire. The Court also

noted that the Government offered the applicants a very flexible mechanism, namely, they were allowed to use a changing room intended only for girls and to wear muslin swimming suit - burkini.

8.2. HUMAN RIGHTS WATCH REPORT 2017 ON HUMAN RIGHTS

On January 13, Human Rights Watch published a report on the situation of human rights (2017). The report includes the main findings of the human rights issues from more than 90 countries around the world, including **Georgia**.

The report says that Georgia does not have an independent effective mechanism for investigating crimes committed by law enforcement officials. In this context, Demur Sturua's suicide case is brought as an example, which, according to the Public Defender, is a clear example of the country's "repressive drug policy".

The report also mentions the unrestricted access of the State Security Service to telecom operators' networks, which endangers the right to privacy; concern is expressed about the freedom of the media (including the case of Rustavi 2 broadcasting company) and violations of the rights of LGBT persons (more than 20 facts of assaults were reported); it is noted that several criminal cases launched against former high officials (for example: the so-called Cables Case) raised questions with regard to selective justice and political motivated persecution.

According to the international observers, the parliamentary elections 2016 were held in a competitive and well-administered atmosphere, during which, fundamental freedoms were generally observed; however, they also noted procedural violations during the vote count in almost one-third of all polling stations and violent altercations in four. Local monitoring groups highlighted some cases of vote-buying, alleged political intimidation, and campaigning by unauthorized persons, but found these had no effect on the overall outcome.

The Human Rights Watch report also mentioned that the ICC authorized its prosecutor to open an investigation into the 2008 war crimes and crimes against humanity.

9. NEWS OF PUBLIC DEFENDER'S OFFICE

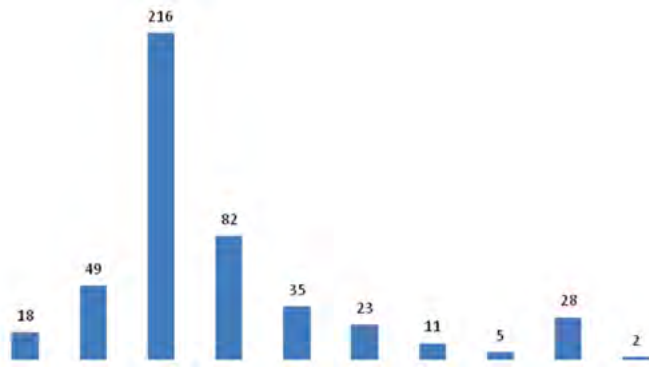
9.1. MONITORING HELD BY DEPARTMENT OF CRIMINAL JUSTICE

In January, the Department of Criminal Justice visited 87 prisoners at 25 facilities of the Penitentiary Department. The Department of Criminal Justice addressed relevant state agencies concerning the alleged rights violations revealed during the visit and called on them to make appropriate legal response.

9.2. STATISTICAL DATA OF APPLICATIONS

617 applications were submitted to the Public Defender’s Office in January. 469 out of them met the criteria of admissibility and were forwarded to the following departments:

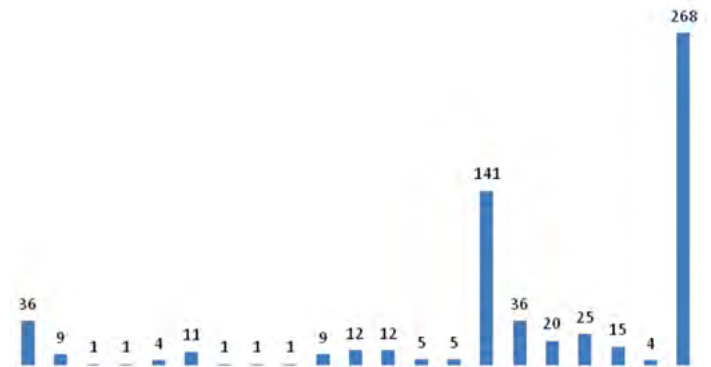
- Department of Prevention and Monitoring – 18
- Department of Protection of Civil, Political, Economic, Social and Cultural Rights –49
- Department of Criminal Justice – 216
- Regional Department – 82
- Center for Child’s Rights - 35
- Department of Gender Equality – 23
- Department of Protection of Rights of Persons with Disabilities – 11
- Analytical Department - 5
- Department of Equality – 28
- Department of Protection of Human Rights in Defense -2



The themes of the applications were the following:

- Right to get information -36

- Discrimination –9
- Freedom of religion – 1
- Freedom of movement - 1
- Delay in consideration of cases in common courts – 4
- Delay in consideration of criminal cases – 11
- Rights of older persons – 1
- Rights of migrants, asylum seekers and asylum beneficiaries -1
- Rights of eco-migrants -1
- Rights of IDPs – 9
- Social assistance – 12
- Labour rights – 12
- Property rights – 5
- Rights to adequate housing – 5
- Prison conditions – 141
- Prisoner’s health condition - 36
- Torture and ill-treatment – 20
- Child’s rights - 25
- Gender equality and women’s rights – 15
- Rights of persons with disabilities – 4
- Various – 268



CONTACT

TBILISI:

6 Nino Ramishvili str. Tbilisi 0179

Tel: +99532 2234499 / 2913814 / 2913815 / 2913841 / 2913842 / 2913843 / 2913875 / 2913876 / 2913877

Fax: +99532 913841

Email: Info@ombudsman.ge

BATUMI:

9 Mazniashvili str.

Mob.: 577 50 52 31

Tel.: 0422 27 05 44

KUTAISI:

18 Rustaveli str.

Mob.: 577 55 33 81

Tel.: 0431 25 33 50

ZUGDIDI:

58 Kostava str.

Mob.: 577 50 52 34

Tel.: 0415 22 36 11

GORI:

1 Sameba str.

Mob.: 577 78 27 42

Tel.: 0370 27 05 49

AKHALKALAKI:

4 Chavchavadze str.

Mob.: 577 12 27 70 ;

577 12 27 71

Tel.: 0362 22 32 83

MARNEULI:

51 Rustaveli str.

Tel.: 0357 22 19 70

TELAVI:

3, Cholokashvili str.

Mob.: 591 883538

Tel.: 0350 27 99 27

EDITOR: TEONA GOGOLASHVILI

EDITORIAL BOARD: NIKO TATULASHVILI, LEVAN MESKHORADZE