



# European Human Rights Advocacy Centre

## Regional Seminar, Tbilisi:

### *Evidence Gathering and Documentation in Human Rights Litigation*

3 June – 5 June 2014

The EHRAC Regional Seminar was attended by fifteen lawyers from Russia, Georgia, Armenia, Ukraine, Azerbaijan and Estonia, from the following NGOs: Memorial (Russia); the St Petersburg Women's Crisis Centre (Russia); the Women's Rights Centre, Grozny (Chechnya); the Stichting Russian Justice Initiative (Russia); the Georgian Young Lawyers' Association (Georgia); Unison (Armenia); the Hebrew Immigrant Aid Society (Ukraine); the Media Rights Institute and the Democracy and Human Rights Centre Sumgait (Azerbaijan). Working with lawyers from a range of organisations, some of whom we have not worked with previously, meant that we had the opportunity to develop connections with new contacts with a view to partnering with them on future cases before the European Court, as well as to strengthen existing partnerships during three days of intensive face-to-face interaction.

#### **The Seminar:**

The main focus of the Seminar was on preparing a case for the European Court from the earliest stages at the domestic level, with particular emphasis on evidence gathering. The aim was to provide participants with specialist training in both the legal and practical skills required to fully exhaust domestic remedies and in particular, to gather and document the evidence necessary to support a case at Strasbourg, in order to avoid cases being declared inadmissible for failures in these areas. The Seminar incorporated practical exercises as well as presentations and question and answer sessions by experts.

EHRAC's legal team delivered the programme with the assistance of regional lawyer, Kirill Koroteev from Memorial, European Court Registry Lawyer Musa Khasanov, and Rupert Skilbeck, Litigation Director at the Open Society Justice Initiative. The programme was designed to guide participants through the initiation and development of a case based on an LGBT protest scenario that, as the exercises progressed, incorporated the ill-treatment of a woman in detention, which was chosen given that LGBT rights along with freedom of assembly and expression are increasingly being curtailed in all the participants' countries. The issue of ill-treatment is also prevalent and one in which evidence gathering and documenting is crucial. Each session included practical exercises, such as drafting initial notices of appeal, the taking of witness statements and



the final appeal in order to exhaust domestic remedies, in order to give participants the chance to practice what they had learnt, and crucially, to receive prompt feedback in order to track and enhance their development throughout the programme.

#### **External speakers**

In addition to sessions with the specialist lawyers mentioned above, covering for instance the Court's perspective on issues of evidence and exhaustion, the Seminar also

included presentations from a medical expert in torture, Dr Mariam Jishkiniari, Founder and Director of the Centre for Empathy, Georgia, Beso Bokhashvili from the Office of the High Commissioner for Human Rights, Georgia, and Thomas Hammarberg, United Nations Senior Expert on Human Rights in Transnistria and EU Special Advisor on Legal and Constitutional Reform and Human Rights in Georgia and former COE Commissioner for Human Rights (2006-2012).

## **Participant Feedback:**

### **On the Witness statement taking exercises:**

*"I really liked it that after receiving feedback on the first witness statement taking exercise, we had the chance to do the exercises again with another witness. I also liked that the second time we had to cover more issues and had to question the witness on more facts than in the first case."*

*"The fact that Oscar (the witness) was unwilling to give information about certain details, when asked, was very helpful. The session helped me to see how important it is to ask question on every important detail of the case."*



### **On the session on the Rule 47 Application form and the Court's perspective:**

*"The speaker gave an excellent, detailed speech and was able to answer the questions fully."*

### **On the presentation on Exhaustion of Domestic Remedies:**

*"(This was) a great session. Very useful since it's the most important thing to do before going to the ECtHR. Great selection of relevant case law for different types of violations."*

### **On the practical session on Exhaustion of Domestic Remedies:**

*"I really liked the content of the case we were given. It gave us the opportunity to raise and think about various issues stemming from different articles of the Convention."*

*"A practical task, everything in the course of the session helped to reinforce in practice what we had heard and discussed."*

### **On Thomas Hammarberg's presentation:**

*"It was an excellent session and the speaker shared very useful information with us. The information on the Commissioner for HR and its co-operation with other bodies of the COE was very interesting."*

*"I liked Mr Hammarberg talking about the importance of taking cases to the ECtHR and the challenges of implementing Court judgments at the national level."*

### **General feedback:**

*"Thank you to those who took part in the organisation and hosting of this event! Everything...was organised superbly."*

*"This training was among EHRAC's best, very lively, many practical tasks and new information gained."*

The participants also commented that they would have liked more time for discussion and questions on some sessions; more advice about how to question traumatised witnesses, and for some, more time to question witnesses, although others appreciated the time limit as real constraint that made them focus.