

**From:** [Nino Merebashvili](#)  
**To:** [ECE-Survey-Aarhus](#)  
**Cc:** [Jan Darpö](#); [Idfi Info](#)  
**Subject:** Re: UNECE Aarhus Convention: kind request to comment on the progress report of the survey on access to justice in cases on the right to environmental information by 8 April 2019  
**Date:** Monday, April 8, 2019 17:38:06  
**Attachments:** [image001.png](#)

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Dear Marina,

Thank you for the detailed information. We reviewed the draft report prepared by the Chair as well as the filled in a questionnaire submitted by the Supreme Court of Georgia and have a couple of comments.

Firstly, we find that the response of the Supreme Court of Georgia regarding the topic of appeals to a review body other than a court of law (questions 2 and 3) was not straightforward. We would like to stress that (as indicated in our response para 2.5) in Georgia there is no Information Commissioner or any other independent party who would have the authority to review freedom of information appeals and render a binding decision. Although the Ombudsman is entitled to review the claims of anyone whose rights have been breached he/she is not granted the right to take binding decisions.

In regards with the topic of Publicity of court decisions in writing (question 6) we would like to inform you that amendment was made to the Organic law of Georgia on Common Court, according to which 'A court decision made at an open session as a result of hearing a case on the merits shall be fully published on the website of the court, and if a court decision is made at a closed session as a result of hearing a case on the merits, only the resolution part of the decision shall be published on the website of the court. The issue of disclosing personal data of a person that are included in the court decisions shall be resolved in accordance with law.'

While the amendment in itself an important step forward in the direction of publicity of court decisions, in practice the issue remains to be problematic. The law is not well implemented and when trying to access certain court decision from the relevant [website](#) it shows the notification saying that attached files are not available.

Hope the information will come in handy in the process of finalizing the report.

Feel free to contact me if you have any enquires,

BR

*ნინო მერებაშვილი-ფიშერ*  
*Nino Merebashvili-Fisher*

*მთავარი იურისტი*  
*Senior Lawyer*

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