

kasado koka espaneti s wi naaRmdeg

Casado Coca v. Spain

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saqmesTan dakavSirebul i faqt ebi

I. saqmis garemoebani

6. batoni pablo kasado koka, erovnebiT espaneli, cxovrobs val doreitxSi, barselonas maxl obl ad da eweva kerZo iuridiul praqtikas barselonasi.

7. mas Semdeg, rac man 1979 wels praqtikul i saqmianoba daiwyo, igi regul arul ad atavsebda sarekl amo gancxadebas barselonas ramdenime gazeTisa da espanetis germanuli Jurnal is "sxvadasxva rekl amebisatvis" gankutvnil gverdebze. garda amisa, man pirdapir weril obiT Sestavaza ramdenime kompanias Tavisi momsaxureba.

8. amastan dakavSirebiT, barselonas advokatTa sabWom mis winaarmdeg oTxjer wamoiwyo disciplinarul i procesi, ris Sedegadac 1981-1982 wl ebSi mas dauweses jarimebi, konkretul ad, ori Senisvna da ori gafrtxil eba. ganmcxadebel ma Sida apelacia waradgina am jarimebtan dakavSirebiT, Tumca mas ar miumarTavs satanado iurisdicqis sasamarTl osatvis.

a. advokatTa sabWos sasamarTl o procesebi

9. dawyebul i 1982 wl is oqtombridan, val doreitxis macxovrebel Ta da sakuTrebis mfl obel Ta asociacis gazeTsi ibeWdeboda gancxadebebi, romlebic detalur informacias stavazobda mkitxvels ganmcxadebl is iuridiul i praqtikis Sesaxeb. es gancxadebebi gverdis daaxl oebiT ert mesameds ikavebda da moicavda ganmcxadebl is saxel sa da gvars, mis profesias – iuristi, da misi ofisis misamarTsa da tel efonis nomers.

10. am sakiTxTan dakavSirebiT advokatTa sabWom kidev ertxel wamoiwyo disciplinarul i procesi batoni pablo kasados winaarmdeg. 1983 wl is 6 april s man kvlav miiRo weril obiti gafrtxil eba profesiul i rekl amirebis akrZal vis ugul ebel yofis gamo (1982 wl is 24 ivl iss gamocemul i samefo gankargul eba #2090/82-is muxl i 31, igi safuzvl ad udevs advokatTa Sesaxeb kanons – ix. punqti 22 qvemoT).

11. 1983 wl is 3 ivniss, ganmcxadebl is mier Sida sacivris Setanis Semdeg advokatTa erovnul ma sabWom mxari dauwira dawesebul jarimas. kerZod, advokatTa erovnul ma sabWom daadgina, rom advokatTa Sesaxeb kanonis 31-e muxl is Tanaxmad, romel sac ufrozustad akonkretebs barselonas advokatTa sabWos wesebi (ix. punqtebi 22, 24 da 27 qvemoT), zemoxsenebul i gancxadebebi aWarbebdadadgenil zRvrebs. man agreTve arniSna, rom ganmcxadebel s cota xnit adre kvlav daekisra jarimebi imave

mizezis gamo da rom es gaTval iswinebul i unda yofil iyo saCivris ganxil vis dros.

b. procesi saTanado iurisdicciis sasamarTI oebSi

12. amis Semdeg batonma kasado kokam mimarTa barsel onas teritorial ur sasamarTI os. konkretul ad, igi amtkicebda, rom mis mier gamoqveynebul i gancxadebis mizans warmoadgenda mosaxl eobis informireba, xol o mis winaarmddeg gafrTxil eba arRvevda konstituciis me-20 muxl s, romel ic moqal aqes gamoxatvis Tavisuflebis ufl ebas aniwebs. igi, agreTve, amtkicebda, rom darRveul i iyo principi, roml is Tanaxmadac mxol od kanons SeuZlia gansazRvros samarTal darRvevebis faqti da daawesos jarima, radganac is debul eba, romel ic ukrZal avs advokaturis wevrebs rekl amirebas da awesebs disciplinarul jarimebs, maregul irebel i iyo Tavisu bunebiT.

1987 wl is 11 maiss sasamarTI om uaryo misi ganacxadi im mosazrebiT, rom zemoarNiSnul i gancxadeba rekl amirebis saSual eba iyo da ara ubral od informaciis gancxadeba. igi ganTavsebul i iyo manqanis tarebis Semswavl el i kursebisa da moxucebul Ta saxl is msgavsi gancxadebebis gverdze da mniSvel ovanwil ad scdeboda advokaturis wesiT dadgenil zRvrebs, roml ebic uSvebs praqtikis dawyebisa da misamarTis Sevl is SemTxvevaSi gancxadebis gakeTebas, rac ase ar iyo am konkretul i ganmcxadebl is SemTxvevaSi.

13. 1988 23 seqtembers uzenaesma sasamarTI om uaryo am sakiTxTan dakavSirebiT batoni kasados saCivari da, amave dros, uari ganacxada saqmis sakonstitucio sasamarTI oSi gadacemaze.

konkretul ad, man uaryo saCivari im principis ugul ebel yofis safuZvel ze, rom mxol od kanoni aris ufl ebamosil i daadginos samarTal darRvevebi da daawesos jarima. sasamarTI os es gadawyvetil eba emyareboda konstituciuri sasamarTI os saprecedento samarTal s, roml is Tanaxmadac, konstituciis 36-e muxl i (ix. punqti 18 qvemoT) saSual ebas aZl evs kanons gaiTval iswinos profesiul i asociaciebisa da profesiul i praqtikis warmarTvis wesebis Sesazl o formul ireba maTi debul ebiT.

sasamarTI os gadawyvetil ebis Tanaxmad, me-20 muxl i ar iTval iswinebs rekl amirebas, rogorc ZiriTad ufl ebas, radganac rekl amireba ar moicavs ideebis, azrebi an mosazrebebis gamoxatvis Tavisuflebas, igi informacias izl eva momgebiani biznesis saqmanobis arsebobis Sesaxeb.

garda amisa, advokaturis wevrebis mier profesiul i rekl amirebis akrZal vas kanonieri mizani hqonda - igi mimarTul i iyo Tavisufal i konkurenciis mxardaWerisa da klientebis interesebis dacvisaken. amgvar garemoebaSi zemoarNiSnul i ufl eba SezRudvas eqvemdebareba.

c. procesi sakonstitucio sasamarTI oebSi

14. amis Semdeg ganmcxadebel ma saCivari Seitana sakonstitucio sasamarTI oSi. *igi kvl av amtkicebda, rom gankargul ebis safuZvel ze administraciul i jarimebis daweseba ewinaaRmdegeba konstituciaSi samarTal darRvevisa da jarimis kanonieri gansazRvris princips, da rom imis gamo, rom gancxadebaSi mxol od real uri informacia – misi saxel i, misamarTi da tel efonis nomeri, iyo warmodgenil i, dawesebul i jarima ewinaaRmdegeboda konstituciis me-20 muxl s.*

15. 1989 wl is 17 april s sakonstitucio sasamarTI om saCivari ar daakmayofil a.

sasamarTI os gadawyvetil ebis Tanaxmad, jarimis dawesebis faqti ar arRvevda swori informaciis gadacemis ZiriTad ufl ebas. rekl amis mizani dakavSirebul i iyo "komerciul i, samrewvel o, xel osnis an profesiul i saqmianobis ganxorciel ebasTan"; igi gul isxmobda "moZrav an uZrav gonebasTan, momsaxurebasTan, ufl ebebTan an val debul ebebTan dakavSirebul i kontraqtebis pirdapir Tu arapirdapir xel Sewyobas". rac Seexeba me-20 muxl is l punqtSi miTiTebul ufl ebas, igi gul isxmobs, rom moqal aqeebs unda mieceT saSual eba "Tavisi Sexedul ebebi Seqmnan sxvadasxva an Tundac diametrul ad sapirispiro azrebis gaanal izebis safuZvel ze da amgvarad miRon monawil eoba sajaro ganxil vebSi". profesiul i momsaxurebis rekl amirebis akrZal va ar l axavs zemoxsenebul ZiriTad ufl ebebs.

II. Sesabamisi adgil obrivi kanonmdebl oba

a. zogadi debul ebebi

1. 1978 wl is konstitucia

16. konstituciis me-20 muxl i uzrunvel yofs gamoxatvis Tavisufl ebis ufl ebas:

" 1. Semdegi ufl eba unda iyos aRiarebul i da dacul i:

a) azrebis, ideebisa da mosazrebebis zepirad, weril obiT Tu sxva saxiT gamoxatvisa da gavrcel ebis Tavisufl eba;

b) gavrcel ebis nebismieri gziT swori informaciis miRebis an gadacemis ufl eba. sindisisa da profesiul i konfidencial obis pirobis gamoyenebis ufl eba regul irdeba kanonis mier.

2. am ufl ebis gamoyeneba ar il axeba raime sxva adre dawesebul i SezRudviT.

4. es Tavisufl eba unda Semoifargl os am nawil Si mocemul i ufl ebebiT, ganxorciel ebis aqtis debul ebebiT da gansakuTrebiT ki pativiscemis da piradi cxovrebis ufl ebiT da msgavsebis gamoyenebis ufl ebiT da axal gazrdebis da bavSvebis dacviT.

17. 25-e muxl i icavs princips, rom mxol od kanons Zal uZs gansazRvros samarTal darRveva da daawesos jarima:

"1. aravin SeiZl eba iyos gasamarTI ebul i an dasjil i raime aqtis an umoqmedobis gamo, romelic Cadenis momentSi, moqmedi kanonmdebl obis Tanaxmad, ar

warmoadgenda seriozul Tu umniSnel o sisxl is samarTal darRvevas an administraciul darRvevas.

..."

18. 36-e muxl i profesitul asociaciebs exeba:

"kanoni unda ganmartavdes profesitul i asociaciebisa da profesitul i praqtikis warmarTvis iuridiul i statusis special ur Tvisibas, romel ic moiTxovs universitetis xarisxs. asociaciebis Sida struktura da funzionireba demokratiul i unda iyos."

sakonstitucio sasamarTl os saprecedento samarTl is Tanaxmad, mocemul i muxl i ar krZal avs profesitul i asociaciebisa da profesitul i praqtikis warmarTvis maregul irebel i kanonmdebl obis administraciul i wesebiT dadgenas (1984 wl is 20 Tebervl is da 24 seqtembris gadawyvetil eba).

19. konstitucia acxadebs, rom nebismieri adre miRebul i debul eba, romel ic ewinaaRmdegeba am debul ebis arss, unda gauqmdes.

3. kanoni # 2/1974, profesitul i asociaciebis Sesaxeb

20. kanoni # 2/1974, romel ic 1974 wl is 15 Teberval s iyo gamoqveynebul i espanetis oficial ur gazeTSi, aregul irebs profesitul i asociaciebis funzionirebasa da organizacias. misi pirvel i nawil i gul isxmobs Semdegs:

"profesitul i asociaciebi saxel mwifo samarTl is korporaciebs warmoadgenen, romel Tac icavs kanoni da aRiarebs saxel mwifo, fl oben subieqtis ufl ebas da gaaCniaT srul i ufl ebamosil eba, raTa imoqmedon Tavisi miznebis misaRwevad."

21. nawil i 5 (i) profesitul asociaciebs aval debul ebs daaregul iron Tavisi wevrebis profesitul i saqmianoba imisaTvis, rom uzrunvel yon profesitul i eTikisa da Rirsebis Senarcuneba da kerZo pirebis ufl ebebs dacva da, aseve, gamoiyenon profesitul i da Sidasauwyebo sakiTxebis gadawyvetis disciplinarul i ufl ebamosil eba. amastan dakavSirebiT Sesabamisi erovnul i sabWoebi iReben wesdebebs, roml ebsac amtkicebs mTavroba. es wesdebebi awesebs yovel i profesiiis ufl ebebsa da val debul ebebs da maTTan mimarTebaSi moqmed disciplinarul wesebs.

b. special uri debul ebebi, roml ebic marTavs advokaturas

l. espanetis advokaturis wesdeba

(a) procesis periodSi moqmedi reJimi

22. 1982 wl is 2 seqtembers gamoica samefo gankargul eba 2090/82, romel ic awesebs espanetis advokaturis wesdebas.

muxl i 31

“advokaturis wevrebs ara aqvT ufl eba:

a) pirdapir an rekl amirebis gziT gamoacxadon an gaavr cel on informacia Tavisi momsaxurebis Sesaxeb, . . . an ufasod gamoxaton Tavisi mosazrebani profesiul Jurnal ebsa an sxva gamocemebSi an saSual ebebSi, advokatTa sabWos ufl ebis gareSe:

. . .”

107-112-e muxl ebi aregul irebs advokatTa sabWos discipl inarul ufl ebamosil ebas. jarimebis winaarmd eg saCivari waredgineba advokatTa erovnul asociacias (muxl i 96, punqti 1) da SemdegSi - saTanado iurisdicciis sasamarTI os.

b) SemoTavazebul i axal i reJimi

23. 1993 wl is 5-6 marts, 21-22 maissa da 25 ivniss espanetis advokatTa asociaciebis Tavmj domareebi Seikribnen axal i erovnul i wesdebis miRebis mizniT, romelic Semdeg gadaeca mTavrobas dasamtkicebl ad. wesdebis proeqtis 31-e muxl i acxadebs:

“1. advokaturis wevrebs SeuZl iaT rekl amireba gauwion Tavisi momsaxurebasa da praqtikas moqmedi kanonmdebl obis, am wesdebis da advokaturis sxva wesebisa da gadawyvetil ebebis Tanaxmad.

1. advokaturis cal keul i wevrisa da misi momsaxurebis pirdapiri Tu arapirdapiri rekl amireba da am ukanasknel is monawil eoba masmediaSi iuridiul i konsul taciis programebSi cal keul pirobebs daeqvemdebareba. advokaturis wevrebi val debul i arian:

a) daicvan advokaturis moRvaweobasTan mimarTebsaSi moqmedi special uri debul ebebi da moqmedi kanonmdebl oba rekl amis Sesaxeb;

b) gamoxaton pativiscema simarTI is, sizustisa da sisworisadmi, ise, rom ewvis qveS ar daayenon kol egis rekl ama maTi imitaciis an dabneul obis gamowveviT, ar wamoiwyon sakuTari Tavisi qeba da Sedareba kol egebTan an maTze dezinformaciis gavr cel eba, aseve ar ganacxadon Tavisi profesiul i miRwevebis, kl ienturis an Tavisi momsaxurebis finansuri pirobebis Sesaxeb; da

c) winaswar miRon advokatTa Sesabamisi sabWos Tanxmoba rekl amis ganTavsebaze, amasTan, sabWosTan SeTanxmebul i unda iyos rekl amis Sinaarsi da misi gamoqveynebis saSual eba.

advokatTa sabWo ufl ebamosil ia gasces ufl eba, moiTxovos cvl il ebebis Setana an saerTod ar daTanxmdes rekl amis gamoqveynebaze. yvel a SemTxvevaSi man dasabuTebul i gadawyvetil eba unda gamoitanos, romelic Sesazl oa gasaCivrdes am wesdebis 130-e muxl Si warmodgenil i procedurebis Tanaxmad. advokaturis Sesabamis wevrs pasuxi unda gaeces saCivris Cabarebidan ara umetes 30 dRis

ganmavl obaSi, pasuxis am vadaSi argacemis SemTxvevaSi CaiTvl eba, rom sabWom ar daakmayofil a saCivari.

2. zemoTqmul is miuxedavad, advokaturis wevrs SeuZl ia, winaswari ufl ebamosil ebis gareSe:

a) gamoiyenos bl anki Tavisi an kol egis saxel iTa da gvariT, profesiul i da universitetis xarisxiT, aseve, misi pal atis saxel iT, tel efonis nomriTa da sxva rekvizitebiT, im formiT, rogorc amas, ZiriTadad, advokaturis wevrebi iyeneben;

b) Tavisi pal atis an sacxovrebel i saxl is gareT, karebze an maxl obl ad, miamagros aRniSvna an firfita informaciIT Tavisi praqtikis Sesaxeb, mxol od iseTi zomisa da tipis, romel ic gamoiyeneba am raionSi;

c) tel efonis, faqsis, tel eqsisa da sxva cnobarebSi miuTITos Tavisi, advokaturis wevris statusi;

d) weril is an presis saSual ebiT gamoaqveynos misamarTis, tel efonis nomris an misi pal atis sxva rekvizitebis cvl il ebebis Sesaxeb, mxol od imgvarad, rogorc amas im advokaturis wevrebi akeTeben, romel sac igi ekuTvnis;

e) konferenciebsa da simpoziუმებზე aRniSnos advokaturis wevrobis Sesaxeb, gamoaqveynos statiebi special ur da araspecial ur presaSi da gancxadebebi gaakeTos radiosa da tel eviziaSi.

3. advokaturis wevrma, romel ic mudmivad Tu periodul ad uwevs konsul taciebs kerZo pirebs an kompaniebs, maT unda mostXovos, rom Tavi Seikavon iseTi tipis rekl amis gawevisagan, romel ic ewinaaRmdegeba am wesdebis debul ebebs.

4. advokatTa sabWo miRebs gadawyvetil ebas rekl amis maregul irebel i kanonmdebl obiT gauTval iswinebel i da saeWvo sakiTxebisa da darRvevebis an am wesdebaSi gaTval iswinebul i ufl ebebis arasaTanado gamoyenebis Taobaze. mas SeuZl ia pirdapir akrZal os praqtika, romel ic, misi azriT, ewinaaRmdegeba am wesdebis sul iskveTebas da dasaj os amgvari akrZal vis nebismieri darRveva."

II. barsel onas advokaturis wesebi

a) *proctis periodis saTanado reJimi*

24. im dros, roca ganmcxadebel s dauweses jarima, j er kidev Zal aSi iyo barsel onas advokaturis 1947 wl is wesdeba. me-18 muxl i ubral od ukrZal avda advokaturis wevrebs rekl amirebas Semdegi formiT:

muxl i 18

"advokaturis wevrebs ekrZal ebaT rekl amirebis an propagandis mizniT Taviant praqtikasTan dakavSirebul i gancxadebis gamoqveyneba."

25. gamomdinare iqidan, rom rekl amirebis akrZal va profesiul i qcevis mniSvnel ovan wess warmoadgenda, barsel onas advokatTa sabWos 1981 wl is 24 Tebervl is gadawyvetil eba, sxva sakiTxebS Soris, iTval iswinebda Semdegs:

“1. zogadi debul ebebi

advokaturis wevrebs ekrZal ebaT kl ientebis mozidvisaken mimarTul i pirdapiri Tu arapirdapiri personal uri rekl amis gakeTeba.

2. nebadarTul i gancxadebebi

advokaturis wevrebs SeuZl iaT adgil obriv gazeTebSi gamoscen mcire zomis gancxadebebi, roml ebic moicavs informacias praqtikis dawyebis, wevrobis, anda misamarTis, tel efonis an tel eqsis nomris Secvl is Sesaxeb.

gancxadebis zoma da Sinaarsi winaswar unda iyos SeTanxmebul i advokatTa sabWosTan. gancxadeba ar SeiZl eba gamoqveyndes ori Tvis ganmavl obaSi samze metjer.

5. profesiul i cnobarebi

advokaturis wevrebs SeuZl iaT profesiul cnobarSi gamoaqveynon Tavianti saxel i, misamarTi, tel efonis nomeri da tel eqsis nomeri, SeTavazebul i profesiul i momsaxurebis mokl e daxasiaTebiT, mxol od im SemTxvevaSi, Tu advokaturis yvel a wevrisaTvis erTgvarad xel misawvdomi iqneba informaciis miwodebis es gza.

b) Semdgomi rejimi

i) barsel onas advokaturis 1985 wl is kanoni

26. barsel onas advokaturis axal i wesdeba 1985 wl is 5 ivniss daibeWda. misi me-19 muxl i acxadebs:

“1. advokaturis wevrebs ekrZal ebaT pirdapiri Tu arapirdapiri personal uri rekl amireba, roml is mizanic aris kl ientiT uzrunvel yofa.

2. advokaturis wevrebs aseve ekrZal ebaT nebismieri formis SeTavazebul i rekl amirebis winadadebaze pirdapir Tu arapirdapir daTanxmeba.

4. zemoT miTitebul i akrZal va exeba rogorc zepir, aseve weril obiT Tu grafikul , nebismieri saxisa da tipis rekl amas. igi, agreTve, exeba rekl amirebas radioa da tel eviziis saSual ebiT.

5. advokatTa sabWos SeuZl ia miRos ufro detal uri wesebi am TavSi ganxil ul sakiTxebTan dakavSirebiT”.

gamomdinare konkretul i garemoebebidan, wesdebis debul ebebis arSesrul eba SesaZl oa iyos seriozul i an umniSvnel o darRveva, rac SesaZl oa jarimis dawesebis safuZvel i gaxdes (wesdebis 94-96-e muxl ebi).

ii) barsel onas advokatTa sabWos 1985 wl is gadawyvetil eba

27. 1986 wl is 5 Teberval s advokatTa sabWom Sesworebebi Seitana mis mier 1981 wl is gadawyvetil ebis Tanaxmad miRebul wesebSi (ix. punqti 25 zemoT), aukrZal a ra advokaturis wevrebs personal uri rekl amirebis Semcvel i pres-rel izebis gagzavna masmediaSi.

(iii) 1991 wel s katal oniis advokatTa sabWos mier miRebul i wesebi

1991 wl is 4 ivl iss katal oniis advokatTa sabWom miROS axal i wesi rekl amirebaze. am ukanasknel s eniWeba upiratesi Zal a am wesdebasa da katal oniis advokatTa sabWos gadawyvetil ebebSi miTiTebul wesebTan SedarebiT.

preambul a acxadebs:

“tradiciul ad miCneul ia, rom advokaturis wevrebis mier rekl amireba met-nakl ebad ar Seesatyiseba profesiul eTikas. Tumca amave dros aSkaraa, rom rekl ama, Tuki igi ar gadadis dawesebul sazRvrebs, ar arRvevs profesiis eTikis kodeqsis ZiriTad principebs, kerZod ki miukerZoebl obasa da Tavisufl ebas. dResdReobiT informacia warmoadgens demokratiul i qveynebis erT-erT safuZvel s da igi momsaxurebis momxmarebel Ta ufl ebaa.

wesebi 2 da 3 ufro metad akonkretebs am sferos:

“wesi 2

nebadarTul i rekl amireba

advokaturis wevrebs SeuZl iaT

...

c) Tavianti xel moweriTa da advokaturis wevris statusis miTitebiT gamoaqveynon dokumentebi, prospeqtebi an statiebi iuridiul sakiTxebze, im publ ikaciebSi ki, roml ebic ar aris special izebul i samarTal Si.

d) masmediaSi gamoxaton Tavisi piradi azri sazogadoebisaTvis saintereso sakiTxTan an Tavis profesiul saqmianobasTan dakavSirebiT. amave dros, maT unda uzrunvel yon profesiul i saiduml oebis Senaxva.

e) gamoscen broSurebi Taviant praqtikaze, advokaturis wevrebisa da maT mier warmarTul i saqmeebis tipis Sesaxeb informaciis miTitebiT. es sarekl amo masal a winaswar SeTanxmeebul i unda iyos advokatTa sabWosTan. maT, agreTve, SeuZl iaT

sainformacio prospeqtebi gamoscen iuridiul sakiTxebTan dakavSirebiT. am punqtSi miTiTebul i broSurebi da prospeqtebi SeiZl eba daurigdeT mxol od kl ientebis da ara mesame pirebs;

...

"wesi 3

rekl amireba nebarTvis gareSe:

advokaturis wevrebs ekrZal ebaT rekl amireba garda zemoT mocemul wesSi miTiTebul i SemTxvevebisa. kerZod, maT ar SeuZl iaT:

- a) Tavianti momsaxurebis rekl amireba profesiul i miRwevebis da kl ientebis saxel ebis gancxadebiT, advokaturis sxva wevrebTan Sedarebis an winaaRmdegobis gawebis gareSe sxvisTvis moqmedebis ufl ebis micemis saSual ebiT.
- b) broSurebis, prospeqtebis an sxva dokumentebis gagzavna an Tavianti kl ientis garda sxva pirovnebisatvis momsaxurebis SeTavazeba.
- c) presaSi an radioSi rekl amireba, garda me-2 wesSi miTiTebul i SemTxvevebisa.

saqmis ganxil va komisiaSi

29. 1989 wl is 25 maiss b-nma kasado kokam mimarTa komisiis. igi amtkicebda, rom konvenciis ramdenime piroba dairRva masTan mimarTebsi: a) muxl i 7, imis gamo, rom espanetis advokatTa discipl inarul i wesebi dadgenil i iyo gankargul ebis da ara kanonis mier; b) muxl i 10, imis gamo, rom barsel onas advokatTa sabWom mas gafrTxil eba misca adgil obriv gazeTSi statiis gamoqveynebis gamo; c) muxl i 4.2, imis gamo, rom espanetis advokaturis wevrebs ar SeuZl iaT gaakeTon arCevani special izaciis Sesaxeb; d) me-10 muxl Tan erTad muxl i 14, imis gamo, rom sxva profesiis warmomadgenl ebs meti saSual eba aqvT rekl amirebisa.

30. 1991 wl is 2 dekembers komisiam ganacxadi (# 15450/89) gamoacxada misaRebad me-10 muxl Tan mimarTebsi, magram miuRebl ad danarCen muxl ebTan mimarTebsi. 1992 wl is 1 dekembri angariSSI (momzadebul i 31-e muxl is Tanaxmad), komisiam gamoxata Tavisi gadawyvetil eba - rom adgili hqonda me-10 muxl is darRvevas. gadawyvetil eba miRebul i iyo cxra xma cxris winaaRmdeg, Tavmj domaris gadawyveti xmis saSual ebiT. komisiis gadawyvetil ebis sruli tegsti da ori sawinaaRmdego Tval sazrisi mocemulia angariSSI, romelic am dokumentSi danarTis saxiT aris warmodgenil i.

mTavrobis sabol oo gancxadeba sasamarTI os mimarT

31. 1993 wl is 13 ivl iss mTavrobam Tavis memorandumSi sasamarTI osagan moiTxova Semdegi:

"1. aRniSnul i saqme ar eqceva me-10 muxl is gamoyenebis sferoSi; da

2. Tuki muxl i 10 mainc exeba aRniSnul saqmes, ar unda CaiTval os, rom espaneTis samefom ver Seasrul a konvenci iT miniWebul i val debul ebebi".

samarTI ebrivi mxare

me-10 muxl is Sesazl o darRveva

32. 1983 wl is 6 april s bnma kasado kokam saCivari Semoitana masze adgil obrivi gazeTis ramdenime nomerSi Tavis praqtikis Sesaxeb gamoqveynebul i gancxadebis gamo dakisrebul i disciplinarul i sanqciis Taobaze. am saCivarSi igi eyrdnoboda konvenciis me-10 muxl s, romel ic acxadebs, rom:

"..."

a. me-10 muxl is Sesabamisoba saqmesTan

33. mTavroba Seedava me-10 muxl is Sesabamisobas mocemul saqmesTan. misi azriT, ganmcxadebl is gancxadeba araviTar SemTxvevaSi warmoadgens komerciul i xasiaTis informacias, aramed ubral od rekl ama aris. man am gancxadebebSi Tanxa gadaxada erTaderTi aSkara mizniT – rom uzrunvel eyo meti kl ientis moqidva. rekl ama ki, rogorc aseTi, ar xvdeba gamoxatvis Tavisufl ebis areal Si; igi emsaxureba ara sazogado, aramed konkretul i piris/pirebis interess. me-10 muxl is garantieb is gamoyeneba rekl amis mimarT gautol deba muxl is moqmedebis masStabis Secvl as.

34. ganmcxadebl is Tanaxmad, mocemul gancxadebaSi gamoqveynebul i informacia marTI ac sazogadoebisaTvis iyo gankuTvnil i; da Tu igi gamoiwvevda kl ientebis moqidvas, es imitom moxdeboda, rom sazogadoeba am momsaxurebas CaTvl ida saWirod da gamosadegad. metic, rekl ama zogadi koncefciaa, romel ic ramdenime kategorias moicavs, gamomdinare warmodgenil i informaciis an ideebis pol itikuri Tu komerciul i Sinaarsidan. **garda amisa, adamianis ufl ebebis dacva ar exeba mxol od sazogadoebis interesebs; igi Sesazl oa pirad interesebsac emsaxurebodes.**

35. **pirvel rigSi, sasamarTI o ganacxadebs, rom muxl i 10 uzrunvel yofs "yvel as" gamoxatvis ufl ebas. igi ar arCevs imas Tu ra mizans emsaxureba igi - komerciul s Tu aramomgebians (ix. 1990 wl is 22 maisis gadawyvetil eba saqmeze - autroniki Sveicariis winaaRmdeg, seria A #178, gv.23, punqti 47), da am ori sferosadmi gansxvavebul ma midgomam Sesazl oa winaaRmdegobaSi mogviyvanos me-14 muxl Tan.**

1985 wels procesSi - bartol di germaniis winaarMdeg (seria A #90, gv. 20-21, punqti, 42), *samarTI om Riad datova sakiTxi, xvdeba Tu ara komerciul i rekl ama me-10 muxl is garantiis areal Si, Tumca SemdgomSi saprecedento samarTal ma am sakiTxSi sicxade Seitana. muxl i 10 ar Seexeba mxol od garkveul i tipis informacias, ideas an gamoxatvis formas* (ix. 1989 wl is 20 noembris gadawyvetil eba saqmeze – Sps verl ag da kl aus beermani germaniis winaarMdeg, seria A # 165, gv. 17, punqti 17), **gansakuTrebIT ki pol itikuri xasiaTisa; igi aseve moicavs mxatvrul gamoxatvas** (ix. 1988 wl is 24 maisis gadawyvetil eba saqmeze - miul eri da sxvebi Sveicariis winaarMdeg, seria A # 133, gv. 19, punqti 27), **komerciul i bunebis informacias** (ix. 1989 wl is 20 noembris gadawyvetil eba saqmeze – Sps verl ag da kl aus beermani germaniis winaarMdeg, seria A # 165, gv. 17, punqti 17) - **rogorc komisiam samarTI ianad aRniSna, da tel eviziIT gadacemul msubuq musikasa da rekl amebsac ki** (ix. 1990 wl is 28 martis gadawyvetil eba saqmeze - gropera radio AG da sxvebi Sveicariis winaarMdeg, seria A # 173, gv. 22, punqti 54-55).

36. mocemul saqmeSi sadavo gancxadebebi mxol od da mxol od gadmoscemen ganmcxadebl is saxel s, gvars, misamarTs da tel efonis nomers. ra Tqma unda, maTi gamoqveynebis mizani wmindarekl amireba iyo, magram, meores mxriv, isini awvdidnen saWiro informacias im adaminebs, visac esaWiroeboda iuridiul i daxmareba, ris gamoc maTTvis uzrunvel yofda samarTI is xel misawvdomobas.

37. aRniSnul idan gamomdinare, muxl i 10 Seesabameba am saqmes.

b. me-10 muxl is Sestrul eba

1. adgil i hqonda Tu ara Carevas "saxel mwifo xel isufl ebis" mxridan.

38. mTavrobam ganaxada, rom Tu hqonda kidevac adgil i Carevas, igi ar modioda "saxel mwifo xel isufl ebis" mxridan im mniSvel obIT, rogorc es me-10 muxl Si aris nagul isxmevi. barselonas advokatTa sabWos weril obITi gafRTxil eba (ix. punqti 10 zemoT) SesaZI oa ganxil ul i iyos rogorc Sida sanqcia, romelic kol egebma dauweses b-n kasado kokas. espanETis saxel mwifom, samefo gankargul ebiT, ubral od moaxdina ratificireba advokatTa mier SemuSavebul i wesdebisa, roml is 31-e muxl is Tanaxmadac ikrZal eba profesiul i saqmianobis rekl amireba (ix. punqti 22 zemoT).

39. Tumca, ganmcxadebl isa da komisiis msgavsad, samarTI om ganaxada, rom 1974 wels miRebul i profesiul i asociaciebis kanonis l nawil is Tanaxmad, asociaciebi saj aro samarTI is korporaciebs wadmoadgenen (ix. punqti 20 zemoT). advokaturis SemTxvevaSi maT amgvar statuss kidev ufro aZl ierebs maTi mizani emsaxuron sazogadoebriv interess Tavisufali, adekvaturi iuridiul i daxmarebis ganxorciel ebiT, profesiul i praqtikis sazogadoebrivi zedamxedvel obITa da profesiul i eTikis Sestrul ebiT (ix. 1987 wl is 30 noembris gadawyvetil eba saqmeze - advokatura, van der musel i bel giis winaarMdeg, seria A # 70, gv. 15, punqti 29, da 1987 wl is 30 noembris gadawyvetil eba saqmeze - h. bel giis winaarMdeg, seria A # 127-b, gv. 27-28, punqtebi 24-29; aseve ix. 1981 wl is 23 ivnisis gadawyvetil eba

samedicino asociaciis, l e komptis, van l e uvenis da de meieris saqmeze, seria A # 43, gv. 26-27, punqti 64). garda amisa, sadavo gadawvyetil eba miRebul i iyo barsel onas advokaturis wevrebisaTvis gankuTvnili debul ebebis Tanaxmad, xol o am gadawvyetil ebis gasaCivreba moxda saTanado iurisdicciis sasamarTI oSi (ix. punqti 22 zemoT). yvel a am sasamarTI om, iseve rogorc konstituciuma sasamarTI om, mxari dauWira jarimis dawesebas (ix. punqtebi 12, 13 da 15 zemoT). gamomdinare iqidan, rom yvel a es sasamarTI o saxel mwifo dawesebul ebaa, safuZvl iani iqneba imis mtkiceba, rom adgili hqonda "saxel mwifo xel isuflebis" Carevas b-ni kasado kokas mier informaciis gadacemis Tavisufl ebis gamoyenebis procesSi.

2. iyo Tu ara Careva gamarTI ebul i

40. amgvari Careva ewinaaRmdegeba me-10 muxl s, garda im SemTxvevebisa roca igi "kanoniT aris gaTval iswinebul i", aqvs mizani, romelic kanonieri aris me-10 muxl is Tanaxmad da "aucil ebel i aris demokratiuli sazogadoebisaTvis" zemoT mititebul i miznebis misaRwevad (ix., gansakuTrebit, 1992 wl is 25 ivnisis gadawvyetil eba saqmeze - torgeir torgeirsoni isl andiis winaaRmdeg, seria A # 239, gv. 25, punqti 56).

a) "gaTval iswinebul i aris kanoniT"

41. ganmcxadebel i amtkicebda, rom jarima, romelic saCivris sagani gaxda, moklebul i iyo real ur samarTI ebriv safuZvel s. 1974 wl is kanoni gauqmda da Zala dakarga mas Semdeg, rac 1978 wl is konstitucia Sevida ZalaSi, radganac am konstitucii Tanaxmad gauqmda manamde miRebul i yvel a debul eba, romelic mas ewinaaRmdegeboda (ix. punqti 19 zemoT). imis gamo, rom espaneTis advokaturis wesdeba am kanonis Tanaxmad iyo miRebul i, masac msgavsad Sexeboda konstitucii pirobebi.

42. mTavrobisa da komisiis pozicia emTxveoda imis Taobaze, rom disciplinaruli zoma efuZneboda advokaturis wevrebis mier, espaneTis advokaturis wesdebis 31-e muxl is Tanaxmad, aseve barsel onas advokaturis wesdebis Tanaxmad da misi sabWos gadawvyetil ebit dawesebul akrZal vas rekl amaze.

43. **adgil obrivi kanoni, pirvel rigSi, arsebobs erovnul i xel isuflebis, konkretul ad ki sasamarTI oebis mier gamoyenebisa da interpretirebisaTvis** (sxva saqmeebTan erTad ix. 1992 wl is 25 ivnisis gadawvyetil eba saqmeze - torgeir torgeirsoni isl andiis winaaRmdeg, seria A # 239, gv. 25, punqti 56). mocemul saqmesTan dakavSirebit, uzenaesma sasamarTI om sakonstitucio sasamarTI os saprecedento samarTali gamoiyena Tavisi ufl ebamosil ebisaTvis, raTa uareyo safuZvl ianoba saCivrisa, romelic efuZneboda im principis darRvevas, romli Tanaxmadac mxol od kanons SeuZlia danaSaul is gansazRvra da jarimis daweseba (ix. punqtebi 13 da 18 zemoT). aRniSnuli debul ebis formul irebis Tanaxmad (ix. 1992 wl is 23 april is gadawvyetil eba saqmeze - kastel si espaneTis winaaRmdeg, seria A # 236, gv. 21, punqti 37), aseve misi saprecedento samarTI idan gamomdinare,

sasamarTI om es interpretacia safuZvl ianad CaTval a. igive damokidebul eba hqonda sakonstitucio sasamarTI os 1989 wl is 17 april is konstituciis me-20 muxl is interpretaciisadmi (ix. punktobi 15 da 16). anu, mokl ed rom vTqvaT, Careva "gaTval iswinebul i iyo kanonmdebl obiT".

b) kanonieri mizani

44. mTavrobam da komisiam gadawyvites, rom advokaturis wevrebis mier advokatTaTvis profesiul i rekl amis akrZal vis mizans warmoadgenda "sxvebis ufl ebebis dacva". konkretul ad es exeba sazogadoebisa da advokaturis sxva wevrebis ufl ebebs. mTavrobam, agreTve, aRniSna, rom rekl ama yovel Tvis iTvl eboda am profesiis RirsebaTan, advokaturis wevrebis saTanado pativiscemasa da sazogadoebis interesTan SeuTavsebl ad.

45. ganmcxadebl is azriT, komisiis Tval sazrisi samarTI iania, Tuki rekl ama aris SedarebiTi an uzusto. igi ar unda exebodes iseT SemTxvevas, roca ganmcxadeba ubral od informacias gadmoscems praqtikis Sesaxeb. sadavo akrZal vam SesaZl ebel i gaxada samudamod damyarebul iyo diskriminacia, erTis mxriv, advokaturis im wevrebs Soris, roml ebic kerZo praqtikas ewevian da, meores mxriv, maT Soris, vinc muSaobs daqiravebul TanamSroml ad, samoqal aqo moxel ed an universitetis l eqtorad. iuristTa pirvel i nawil isaTvis rekl ama erTaderTi saSual eba aris xma miawvdinon potencial ur kl ientebs, xol o danarCenebs ki Tavisi mdgomareoba aZl evT saSual ebas Tavi gaacnon sazogadoebas. garda amisa, akrZal va ar exeboda saerTaSoriso arenaze momuSave did iuridiul sakonsul tacio firmebs an sadazRvevo kompaniebs, roml ebic aseve iuridiul momsaxurebas sTavazoben momxmarebel s. akrZal va araviTar SemTxvevaSi isaxavda miznad kerZo praqtikosebis dacvas, piriqit, igi icavda profesiis garkveul i priviligiebul i wevrebis interesebs.

46. sasamarTI os ar gaaCnia raime mizezi eWvi Seitanos imaSi, rom advokaturis zemoxsenebul i wesebi SemuSavebul i iyo sazogadoebis dacvis miznit da, amave dros, uzrunvel yofda advokaturis wevrebis pativiscemas. amastan dakavSirebit gaTval iswinebul i unda iyos advokaturis wevrebis profesiis gansakuTrebul i buneba; gamomdinare iqidan, Tu ra funqcia ukaviaT maT sasamarTI oSi, isini sargebl oben mayurebel is eqskl uziuri ufl ebit da iuridiul i procesis imunitetit sasamarTI oSi procesebis dros maT zepir prezentaciebTan mimarTebaSi. Tumca, amave dros, maTi qceva unda iyos keTil gonieri da Rirsebit aRsave. rekl amirebis akrZal va, tradiciul ad, swored am gansakuTrebul TvissebebTan mimarTebaSi iyo gamarTI ebul i. am konkretul gadawyvetil ebaTan dakavSirebit araferi miuTitebs imaze, rom advokatTa sabWos ganzraxva ar Seesabameboda am kanonmdebl obis aRiarebul mizans. metic, bni kasado kokas mier miTitebul i faqtorebi, pirvel rigSi, exeba imas, Tu rogor iyo gamoyenebul i mocemul i kanonmdebl oba da Seesabameboda Tu ara disciplinarul i zomebis saWiroebis Sefasebas.

c) "aucil ebel ia demokratiul sazogadoebaSi"

47. ganmcxadebel i amtkicebda rom aRniSnul i jarima ar iyo "aucil ebel ia demokratiul sazogadoebaSi", imis gamo, rom igi awesebda araproporciul Carevas mis ufl ebaSi gadasces komerciul i informacia, im ufl ebaSi, romel sac mas, advokaturis sxva wevrebTan erTad, aniWebs muxl i 10. man dasZina, rom amgvari SezRudva SesaZl ebel i iqneboda im SemTxvevaSi, Tuki igi asaxavda Tavisufl ad da demokratiul ad gamoxatul survil s Seekavebina Tavi amgvari rekl amirebisagan, rac ase ar iyo am konkretul SemTxvevaSi.

48. mTavrobam miicnia, rom espaneTis advokaturis sadavo wesebs marTI ac hqondaT amgvari Tviseba. isini asaxaven koncefcias, rom advokaturis wevrebi, Tavisi profesiidan gamomdinare, warmoadgenen sasamarTI o moxel eebis, rac, Tavistavad, gamoricxavs profesiul i praqtikis warmarTvis wminda komerciul safuZvel s. garda amisa, 1982 wel s isini Seesabamebodnen evropis advokaturis zogad saerto praqtikas, miuxedavad imisa, rom am sferoSi mas Semdeg SeiniSna wesebis Semsuubuqeba.

nebismier SemTxvevaSi, b-n kasado kokasTvis dawesebul i jarima, Tavisi bunebiT, pirvel i SemTxveva iyo. praqtikul ad, amit b-ni kasado koka dajarimda ganmeorebadi rekl amebisaTvis. gasaTval iswinebel ia, rom man manamde miRo rigi gafrTxil ebebisa da SeniSvnebisa im gancxadebebisaTvis, romel ic man ramdenime gazeTis "sxvadasxva sakiTxebis" ganyofil ebaSi moatavs da aseve im prospeqtisaTvis, romel ic man kompaniebs daugzavna (ix. punqti 7 da 8 zemoT). am faqtebidan gamomdinare da komerciul i formul irebis gamo mTavroba afasebda Sesabamis xel isufl ebis saqmianobas konvenciiT miniWebul i Tavisufal i moqmedebis sazRvrebSi.

49. komisiis azrit advokaturis yvel a wevrisaTvis nebismieri saxis rekl amirebis akrZal va ar Seesabameba gamoxatvis Tavisufl ebas, rac gul isxmobs informaciis gadacemis da misgan gamomdinare Sedegis, aseve informaciis miRebis Tavisufl ebas. ganmcxadebl is mier gamoqveynebul gancxadebaSi miTitebul i iyo mxol od neutral uri Ziritadi informacia (saxel igvari, misamarTI, saqmianoba da tel efonis nomeri). igi ar moicavda informacias, romel ic iqneboda araswori, an romel ic Seuracxyofas miayenebda mis kol egebs – advokaturis wevrebs. amis gamo igi ufl ebamosil i iyo gadaeca informacia iseve, rogorc misi klientebi ufl ebamosil ebi iyvnen mieRoT igi.

50. sasamarTI os saprecedento samarTI is Tanaxmad, konvenciis wevri saxel mwifoebi ufl ebamosil i arian hqondeT garkveul i sazRvrebi Carevis aucil ebl obis Sesafasebl ad, Tumca es sazRvrebi eqvemdebareba zedamxedvel obas evropis mxridan masTan dakavSirebul wesebsa da gadawyvetil ebebTan dakavSirebiT (ix. 1989 wl is 20 noembris gadawyvetil eba saqmeze – Sps verl ag da kl aus beermani germaniis winaaRmdeg, seria A # 165, gv. 17, punqti 17). amgvari sazRvrebis dadgena gansakuTrebiT miSvnel ovania iset rTul da cvl ad sferoSi, rogorc aris arakeTil sindisieri konkurencia. igive exeba rekl amas. am konkretul saqmeSi

sasamarTI os amocanaa daadginos, ramdenad gamarTI ebul ia erovnul doneze miRebul i zomebi (ix. procesi - bartol di germaniis winaaRmdeg, seria A #90, gv. 25, punqti, 55).

51. moqal aqeebisaTvis rekl amireba warmoadgens maTTvis SeTavazebul i momsaxurebisa da produqtebis maxasiaTebl ebis aRmoCenis saSual ebas. miuxedavad amisa, zogjer rekl ama SesaZI oa akrZal os, gansakuTrebiT ki arakeTil sindisieri konkurenciis an araswori da mcdari informaciis gavrcel ebis aRkveTis mizniT. zogierT SemTxvevaSi SesaZI oa obieqturi da marTebul i rekl amis akrZal vac, Tuki es miznad isaxavs sxva pirovnebis ufl ebebis pativiscemis uzrunvel yofas an raime biznesis saqmianobis an profesiis gansakuTrebul i garemoebidan gamomdinare. Tumca yovel i amgvari akrZal va yuradRebiT unda iyos Seswavl il i sasamarTI os mier, romel mac unda Seafasos konkretul rekl amasTan mimarTebaSi am gansakuTrebul i Tvisebebis saWiroeba. Cvens SemTxvevaSi sasamarTI om sadavo jarima unda Seafasos yvel a am garemoebis gaTval iswinebiT (ix. 1989 wl is 20 noembris gadawyvetil eba saqmeze – Sps verlag da klaus beermani germaniis winaaRmdeg, seria A # 165, gv. 20, punqti 34).

52. mocemul saqmeSi 1983 wl is 6 april s b-nma kasado kokam miRo weril obiTi gafrTxil eba barsel onas advokatTa sabWosagan profesiul i rekl amirebis akrZal vis darRvevis gamo (ix. punqtebi 10 da 22 zemoT). daeTanxma ra am jarimas, advokatTa erovnul ma sabWom ganacxada, rom, Tavisi bunebidan gamomdinare, aRniSnul i gancxadebebi gascda barsel onas advokaturis mier dawesebul i Sesabamisi wesebiT daSvebul sazRvrebs; barsel onas teritoriul ma sasamarTI omac imave mosazrebebis safuZvel ze dauWira mxari jarimas (ix. punqtebi 11, 1, 24 da 25). sasamarTI om aRniSna, rom zemoxsenebul i wesebi uSvebs rekl amirebas mxol od garkveul SemTxvevebSi – konkretul ad, praqtikis dawyebis an wevrobis, misamarTis an tel efonis nomris Secvl is SemTxvevaSi – da mxol od garkveul i pirobebiT (ix. punqti 25 zemoT). amis gamo akrZal va ar iyo absol uturi.

53. ganmcxadebel ma da komisi am ikamaTes imis gamo, rom komerciul wamowyebebs, rogoric aris, magal iTad, sadazRvevo kompaniebi, ar ekrZal ebaT iuridiul i konsul taciebis rekl amireba.

54. Tumca, sasamarTI os Tval sazrisiT, isini ver Seedrebian advokaturis kerZo praqtikis mqone wevrebs, romel Tac Tavisi gansakuTrebul i statusi sasamarTI oSi samarTI is warmarTvis procesSi central ur rol s aniWebs rogorc Suamavl ebs sazogadoebasa da sasamarTI os Soris. amgvari mdgomareoba xsnis advokaturis wevrebis qcevasTan dakavSirebiT dawesebul Cveul SezRudvebs da aseve advokatTa sabWoebisaTvis miniWebul sazedamxedvel o da kontrol is ufl ebamosil ebas.

miuxedavad amisa, profesiis maregul irebel i wesebi, gansakuTrebiT ki rekl amirebis ganxriT, gansxvavdeba qveynebs Soris, gamomdinare kul turul i Taviseburebidan. metic, konvenciis mraval wevr qveyanaSi, maT Soris espaneTSic, garkveul i periodis ganmavl obaSi arsebobda tendencia Sesabamis sazogadoebaSi momxdari cvl il ebebis Sedegad SeesustebinaT wesebi. mTavrobam magal iTad moitana

evrogaerTiane bis iuristTa qcevis kodeqsi (strasburgi, 28 oqtomberi, 1988) da evropis advokatTa konferenciis gadawyvetil eba (krakovo, 24 maisi, 1991); rekl amirebis principis mxardaWerasTan erTad es dokumentebi advokaturis wevrebs ufl ebamosil ebas aniWeben gamoxaton TaviantI Tval sazrisi masmediiT, gaacnon Tavisi Tavi sazogadoebas da monawil eoba miRon sajaro debatebSi. am instruqciebis Tanaxmad, katal oniis advokatTa sabWos mier miRebul i kanoni rekl amaze (1991 wl is 4 ivl isi) mis wevrebs ufl ebas aZl evs gamoscen prospeqtebi, statiebi, maT Soris presaSic (ix. punqti 28 zemoT). am kanonis Semdeg mTavrobam daiwoyo axal i kanonproeqtis Seswavl a, romelic am mxriv met Tavisufl ebas iTval iswinebs.

55. wesebis farTo speqtri da evropis sabWos wevrebis cvl is gansxvavebul i tempi miuTitebs am sakiTxis sirTul eze. Tavis wevrebTan maTi pirdapiri, uwyveti kontaqtis gamo advokaturis xel mZRvanel ebi da qveynis sasamarTI oebi ukeTes poziciaSi arian saerTasoriso sasamarTI oebTan SedarebiT, roca saqme exeba sxvadasxva interesebis swor dabal ansebas - konkretul ad samarTI is marTebul i administrirebis moTxovna, profesiul i Rirseba, nebismieri piris ufl eba miRos informacia iuridiul i daxmarebis Sesaxeb da advokaturis wevrebisaTvis maTi saqmianobis rekl amirebis ufl ebis micema.

56. zemoTqmul idan gamomdinare, sasamarTI om miRo gadawyvetil eba, rom procesis periodSi - 1982-83 wl ebi - Sesabamisi xel isufl ebis reaqcia ar SeiZl eba miCneul iyo arasaTanadod dasaxul mizantan mimarTebaSi.

57. sabol ood, muxl i 10 ar CaiTval a darRveul ad.

am mizezebis gamo sasamarTI o:

1. erTxmad acxadebs, rom muxl i 10 Seesabameboda am saqmes;
2. Svidi xmit oris winaarmdeg iRebs gadawyvetil ebas, rom adgil i ar hqonia darRvevas.

mosamarTI eebis - tor vil amsonis da pal mis, erTobl ivi gansxvavebul i azri

Cven veTanxmebiT pal atis umravl esobis azrs imis Sesaxeb, rom konvenciis muxl i 10 Seesabameba am saqmes da rom adgil i hqonda Carevas, romelic gaTval iswinebul i iyo kanoniT da romel sac hqonda kanonieri mizani.

Tumca saWiroebidan gamomdinare Cven veTanxmebiT komisiis angariSis 54-65-e punqtebs. Sesabamisad, Cven vadasturebT, rom adgil i hqonda konvenciis me-10 muxl is darRvevas.