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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW  
OF GEORGIA  
ON REHABILITATION AND RESTITUTION OF PROPERTY  
OF VICTIMS OF THE GEORGIAN-OSSETIAN CONFLICT**

The Georgian State

Recognizing the human rights and freedoms envisaged by the Constitution of Georgia and the International Law,

namely, the right of every person to property and adequate standards of life regardless of his/her race, skin color, sex, language, national, ethnic and social origin, religion, belief, political or other views,

realizing the consequences of the Georgian-Ossetian conflict, which forced a significant part of the population of Georgia to leave their houses,

takes over the responsibility to rehabilitate the rights of the victims of the conflict and bring them to conformity with the standards recognized by the international law.

## **Chapter I. General Provisions**

### **Article 1. The Purpose of the Law**

The purpose of the present law is:

- a) rehabilitation of the rights and freedoms of the individuals, whose rights were violated as a result of the Georgian-Ossetian conflict due to their ethnic origin by the representatives of public or administrative bodies and for whom the effective legal remedies were not available due to the reasons incompatible with the constitutional state and democracy;
- b) restitution of property of the victims of the Georgian-Ossetian conflict, compensation of their property and non-property damage.

### **Article 2. Notions and Definitions**

The notions used in the present law for its purposes have the following definitions:

- a) refugee – individual, displaced beyond the territory of Georgia as a result of the Georgian-Ossetian conflict;
- b) IDP – individual, displaced within the territory of Georgia as a result of the Georgian-Ossetian conflict;
- c) initial residence – residence of a refugee or an IDP, where he/she had the right to reside at the moment of leaving the latter;
- d) initial resident – individual, who had the right to reside in the initial residence;
- e) right to reside – right for usage and ownership of the initial residence;
- f) following resident – individual, presently residing in the initial residence of a refugee or an IDP;
- g) residence – real estate meant for residence;
- h) other real estate – land parcel and non-residential realty fixed to it;
- i) other individuals – individuals, having legitimate interests for residence and other realty, who lost this property as a result of the Georgian-Ossetian conflict and who are refugees or IDPs.

### **Article 3. Principles of the Law**

The present law is based upon the following principles:

- a) justice and equality;
- b) respect for human dignity and universally recognized rights and freedoms;
- c) the right of an individual to have comprehensive information on the issues related to him/her;
- d) the right of an individual to be provided with effective legal means (remedies);
- e) accountability and responsibility of the government to the citizens and people present at its territory;
- f) insuring of the right of the refugees and IDPs for free and voluntary return;

#### **Article 4. The Purview of the Law**

1. The present law applies to the initial residents, who as a result of the Georgian-Ossetian conflict were or are not able to return to their initial residence due to lack of safety or adequate (substitution) residence and are entitled to address the Commission for Restitution of the initial residence and other realty or getting adequate (substitute) residence or compensation.
2. The present law also applies to the following residents, who on the basis of the decision of the Commission are supposed to leave the residences with provision of adequate substitution or compensation or without the latter.
3. The present law recognizes the right of refugees, IDPs and other individuals to submit to the Commission for its review all the decisions made on the basis of the Article 69 of the Residence Code of 1983, which decisions caused these individuals lose their right for their residences in the period during and following the Georgian-Ossetian conflict.
4. The present law also applies to the initial residents, who received substitute residence and/or compensation with the help of governmental bodies or international and national organizations, if the value of their initial residence exceeds the received compensation or the value of the substitute residence.
5. Individuals, who according to the rule set by the present law were recognized as victims of severe violation of the human rights and freedoms by state or administrative bodies on the ethnic belonging during the Georgian-Ossetian conflict and for whom the effective legal means were not available before the present law became effective, are also subject to compensation of the damage.

#### **Article 5. Right for Free and Voluntary Return**

The present law recognizes the right of all the refugees and IDPs to return to their initial residence, if they wish so and are able to prove their legal right for it, or get adequate compensation in return.

#### **Article 6. Right for Adequate Residence**

The present law recognizes the right of all the refugees and IDPs to be provided with adequate (substitute), safe and available residence.

#### **Article 7. Publicity**

1. The information defined in the present law and the acts of the Commission is public, except the cases, when secrecy is required by the present law and is necessary for the purposes of the present law and effective performance of the functions of the Commission.
2. Any member of the Commission or Commission staff representative is obliged to keep in secret the information, determined by the legislation of Georgia, the present law and internal acts of the Commission, which information became available for him/her due to his/her work or in the process of performing the activities, also to facilitate keeping confidentiality of such information.

3. An individual is obliged not to disclose the secret information, which became available for him/her in the process of supporting the activities of the Commission, as a result of being present at the meeting of the Commission or its sub-units or any other way. A representative of the Commission is obliged to warn the individual about this.
4. In case of disclosure of the secret information the Commission bears responsibility to compensate moral and material damage.

## **Chapter II. Commission on Restitution and Rehabilitation**

### **Article 8. Status of the Commission**

1. For the purpose of implementation of the goals envisaged by the present law a Commission on Restitution and Rehabilitation (hereinafter the Commission) is established for the period of 9 years.
2. The Commission is a legal entity of public law, an independent body, which is not subordinated to any of the state institutions.

### **Article 9. The Goals of the Commission**

The performance of the Commission is directed towards achieving the following goals:

- a) facilitate peaceful resolution of the conflict and reconciliation of the parties of the conflict;
- b) review the condition of the victims of the Georgian-Ossetian conflict and compensate their moral and material loss.

### **Article 10. The Rule of Establishment of the Commission and its Composition**

1. The Commission consists of 12 members, who are nominated for 9 years.
2. The Commission is composed of the representatives of the Georgian party, Ossetian party and candidates nominated by international organizations on the parity basis.
3. A capable individual, with higher education, having a working experience of at least five years, can become a member of the Commission.
4. A member of the Commission must have the public acknowledgment and be trusted by the society.

### **Article 11. Structure of the Commission**

1. The Commission has a chairman and the Chairman has two deputies, who are elected by the Commission from its own staff.
2. The Chairman and the Deputy Chairmen of the Commission represent the candidates nominated by different sides.
3. The chairman and the deputy chairmen of the Commission are rotated every three years. A person nominated by one party can not be nominated as a chairman for two terms.
4. The Commission appoints an Executive Director and members of the office on competition basis, except the technical personnel defined by the present law.
5. The executive director must have managerial experience of at least five years.
6. Within the Commission a Restitution Committee and the Human Rights Committee are established.
7. The Commission is entitled to establish other additional structural units on the basis of the legislation and its own statutes.

### **Article 12. Conflict of Interests**

1. None of the members of the Commission or a committee may be a person, who is at the same time:
  - a) an authority of a different administrative body;
  - b) member of a political party;
  - c) representative, attorney or a consultant of the person, whose case is being reviewed by the Commission;
  - d) is performing some paid work, except pedagogic, scientific or art;
  - e) directly participated to the armed collision during the Georgian-Ossetian conflict or openly called upon violence and ethnic discrimination and enmity.
2. A representative of the staff of the office of the Commission or a committee, except the subsidiary employees, can not be a person, having the conflict of interest, defined in the present article.
3. If a member of the Commission or a committee, or an employee of the office of the Commission, except the supporting/technical staff, appeared to have direct or indirect economic interest with the person, whose is being reviewed by the Commission, he/she is obliged to state about it in writing and avoid participation in revision of the case.
4. If a member of the Commission or a committee, or an employee of the office of the Commission, except the supporting/technical, is a relative of the person, defined by the sub-clause c) of the present article, he/she is obliged to state about it in writing and avoid participation in revision of the case.
5. A member of the Commission or a committee, or an employee of the apparatus of the Commission, except the supporting/technical staff, is obliged to state about it in writing about the conflict of interest defined by the Clause 1 of the present article, that occurred with him/her or members of his/her family during the last five years.

### **Article 13. Termination of Authority of a Member of the Commission before Expiry of the Term**

1. Authority of a member of the Commission can be terminated before expiry of the term on the following basis:
  - a) personal application;
  - b) failure to accomplish the duties during more than three months or without an acceptable reason for the period of 20 working days;
  - c) severe violatyions of the duties and responsibilities;
  - d) appointment to the position or activity, incompatible with the status of the member of the Commission;
  - e) finding of incapable or limited capability by the Court;
  - f) Court decision in effect, which stipulates deprivation of liberty or detention for fixed or indefinite term;
  - g) death.
2. The decision on termination of the authority of a member of the Commission is made by the Commission, with at least 2/3 of the members of the Commission.

### **Article 14. Chairman of the Commission**

1. The chairman of the Commission:
  - a) chairs the meetings of the Commission;
  - b) establishes the committees of the Commission;
  - c) signs the decisions of the Commission;
  - d) accomplishes other authorities, prescribed by the statutes of the Commission.
2. The oldest deputy chairman acts as a chairman in absence of the Chairman or failure to accomplish the duty of the chairman.

**Article 15. Executive Director**

1. The Executive Director:
  - a) is a head of the office of the Commission and is responsible for organization of the routine activities of the Commission;
  - b) is responsible for management of the resources counted to the account of the Commission;
  - c) appoints and dismisses the supporting and technical personnel of the Commission;
  - d) accomplishes other duties and functions delegated and prescribed by the Commission.

**Article 16. Secretary of the Commission**

The Secretary of the Commission:

- a) makes the minutes of the meetings of the Commission and prepares other necessary documents;
- b) supervises fulfillment of the decisions of the Commission.

**Article 17. Apparatus of the Commission**

For the purpose of organizational and technical provision of performance of the Commission, a Commission office is established, the structure and activities of which is defined by the statutes of the Commission.

**Article 18. Guarantees of Independence of the Commission**

1. The Commission, its authorities and employees, while accomplishing their own duties, must be impartial and independent from any political or financial interests and obey only the law. Illegal pressure over their activities or interference into these activities is inadmissible and is prohibited by the legislation, and the decision resulted from such pressure or interference is recognized invalid.
2. Trampling on administrative and financial independence of the Commission or attempting to pressurize otherwise from the part of administrative bodies, political parties or commercial institutions is prohibited.
3. An interested person has a right to apply to the Court to avoid or suppress illegal pressure or interference, and also demand to recognize as invalid any of the decisions made under such pressure or with interference.
4. Creation of obstacles for the activities of the Commission will be prosecuted in accordance with the legislation.

**Article 19. Rules of making Decisions**

1. The Commission and the committees are entitled to make decisions, if at least then members of the Commission are present at the meeting of the Commission.
2. The Commission and the committee make the decisions by simple majority of the members of the Commission present at the meeting, if the law does not prescribe otherwise.

**Article 20. Legal Acts of the Commission**

1. The Commission in accordance with the rules set by the legislation within the limits of its authority adopts (issues) legal acts. Resolution of the Commission, decision of the Commission and order of the chairman of the Commission belong to the list of legal acts of the Commission.
2. Resolution of the Commission is a normative legal act.

3. Decision of the Commission is an individual legal act, which is adopted within the limits of the authority granted to the Commission by the legislation.
4. Decision of the Commission is made in relation with such issues, which are of non-normative nature in themselves, for the purpose of accomplishment of the responsibilities granted to the Commission by the legislation, also related to the internal organizational issues of the Commission and the apparatus of the Commission, which involve general rules of behavior for certain section of the society.
5. The Chairman of the Commission issues decrees in specific cases concerning the internal organizational issues of the Commission and the Commission apparatus, which issues do not involve the general rules of behavior.
6. Legal acts of the Commission are adopted (issued) at the meetings of the Commission.

#### **Article 21. Functions and the Responsibilities of the Commission**

1. Responsibilities, regulations for activities and structure of the Commission are defined by the present law and the statutes of the Commission.
2. In accordance to the rules set by the legislation the Commission is authorized to:
  - a) accept and revise applications of victims, their attorneys or other parties concerned regarding property restitution and/or compensation;
  - b) on the basis of the application or by its own initiative collect the facts verifying property and non-property damage of the applicant;
  - c) is entitles to request from any physical or legal entity of state body and receive any information connected to the application received by the Commission;
  - d) prepare annual reports on completed activities and submit it to the Parliament and the President of Georgia with the package of recommendations for measures for compensation and rehabilitation of rights of the victims of the conflict attached;
3. For the purpose of effective accomplishment of its own functions the Commission is entitled:
  - a) to give instructions and recommendations to the committees and other structural units to support them in effective accomplishment of their functions, also give explanations or directions for specific cases;
  - b) accomplish administrative authorities, among them appoint or dismiss employees of the Commission;
  - c) help the persons concerned in preparation of the applications;
  - d) if necessary, mediate arguments and facilitate conciliation.
4. The Commission is liable in case of revealing signs of crime related to the case under revision to immediately send it to relevant agencies.
5. The decisions made by the Commission are mandatory for fulfillment within the whole territory of Georgia.

#### **Article 22. Committees of the Commission**

1. For effectiveness of the activities of the Commission and timely revision of the applications received the Chairman of the Commission establishes Restitution, Human Rights and Compensation Committees from the members of the Commission on the parity basis with 6 members in each.
2. Every three years from the day of establishment of the Commission the staff of the committees is fully changed.
3. For the purpose of comprehensive, thorough and objective revision of the cases the committee collects full information related to the case.
4. Within the terms set by the present law submits to the Commission the materials collected in connection with the case handed over to it and the draft decision prepared by it.

#### **Article 23. Restitution Committee**

1. For the purpose of adequate restitution of the property illegally or unjustly withdrawn during the Georgian-Ossetian conflict the Commission establishes the Restitution Committee.
2. For the purpose of effective accomplishment of its own functions the committee is entitled:
  - a) accept and process the applications of citizens;
  - b) collect all the necessary information and evidences;
  - c) provide the Commission with the information concerning the case to be revised and recommend initiation of a case by the Commission;
  - d) generalize the collected information and materials and analyze them;
  - e) other authorities prescribed by the present law.
3. The committee is liable to submit monthly reports on performed activities to the Commission.

#### **Article 24. Human Rights and Compensation Committee**

1. For the purpose of revealing the facts of gross violations of human rights during and after the Georgian-Ossetian conflict and appropriately response to them the Commission establishes the Human Rights and Compensation Committee.
2. For the purpose of effective accomplishment of its own functions, the committee is entitled:
  - a) accept and process the applications of citizens;
  - b) collect all the necessary information and evidences;
  - c) make record of the evidenced violations;
  - d) generalize the collected information and materials and analyze them;
  - e) provide the Commission with legal assessment of specific violations, including the names of the people, accused of these violations, also provide the Commission with recommendations both for specific cases and rehabilitation of rights of the victims and the rate of moral compensation;
  - f) other authorities prescribed by the present law.
3. The committee is liable to submit monthly reports on performed activities to the Commission.

#### **Article 25. Inquiry Group**

1. For the purpose of effective investigation of facts and violations the Commission establishes the Inquiry Group.
2. The Head of the Inquiry Group is appointed by the Commission.
3. The Inquiry Group:
  - a) collects the facts and evidences;
  - b) gets explanations from the victim and witness;
  - c) accomplishes other tasks given by the Commission and the committee.

#### **Article 26. Inquiry**

1. For the purpose of effective accomplishment of the goals and activities prescribed by the present law the members of the Commission and the Investigation Group are entitled to:
  - a) collect evidences, observe the site and request any information or documents from the administrative bodies and private persons, give them the task of collecting or processing information, immediately get acquainted with or request the materials of completed criminal cases as well as the cases under proceeding;
  - b) without preliminary notice enter, observe and study any area, including the place of detention, areas of administrative bodies, but in case of private area, make a day notice;
  - c) read the testimony of any public servant or private person, invite to the meeting of the Commission or its subordinated unit and request the explanations;



- d) request certain information from other State or state body, read the testimony of citizens of other States, persons residing in other States with preliminary agreement with this State and in accordance with the rules and conditions foreseen in the International Agreements of Georgia.
2. Administrative body, public and private persons are liable to provide the Commission with the necessary information or document at request, support it in conducting certain activities.

#### **Article 27. Impeding the Activities of the Commission**

1. The committee is entitled to fine any person, who:
  - a) violates the requirements of the present law;
  - b) does not carry out the order and does not appear with a member of the Commission or the committee at the agreed time and in the agreed place and does not submit the necessary documents;
  - c) disseminates the estimated results of investigation or performs action, which is risky or impedes objective and comprehensive study of the case;
  - d) impedes or tries to impede accomplishment of the authorities granted by the present law to an authority determined by the present law or any other person or organization appointed in accordance with the rules set in the present law.
2. The rate of the fine is determined by the Commission in amount of up to 1000 Lari for the physical person in amount of up to 5000 Lari for the legal entity. The fine must be sound, fair, justified and proportional to the violation.
3. The decision on fining a person must be made at an open meeting of the Commission. The person, whose case is being revised, must be given a sound opportunity to express his/her opinion.
4. The person fined must be notified about probable fining. The Commission is liable to explain to him/her what is he/she accused of.
5. Non-appearance with the Commission, underhand answers to the questions asked by the Commission or deliberate misleading of the Commission and providing it with fallacious information will be considered as equivalent to contempt of court analogous sanctions will be applied.

#### **Article 28. Reporting and Recommendations**

1. Every six months the Commission submits to the Parliament and the President of Georgia periodic reports.
2. The reports must include description of the materials collected as well as report on activities and financial report and the recommendations for measures necessary for political, administrative and other reforms meant to achieve the goals set for the Commission.
3. The Commission is entitled to submit to the Parliament of Georgia special reports on specific or general issues, if:
  - a) the issue involves public interests;
  - b) the issue requires immediate attention of the Parliament or its interference;
  - c) there is a requirement of the President, Chairman of the Parliament, Parliamentary Committee, at least 1/3 of the members of the Parliament or the Public Defender.
4. After submitting the report to the President and the Parliament, the Commission must publish the report to existing electronic and/or printed media; also insure public availability of the report.
5. The President of Georgia supervises implementation of the recommendations given in the report, which recommendations concern the governmental bodies, also he/she must facilitate and promote implementation of the recommendations, which are not related to the governmental bodies.
6. After publishing of the report, the Commission conducts monitoring of implementation of the recommendations made by the Commission and facilitates their implementation.

7. The President of Georgia within six months after termination of the activities of the Commission must submit to the Parliament the report on the measures taken for implementation of the recommendations made by the Commission.
8. Within maximum of three months after the Commission submitted its report, the President of Georgia must dismiss the Commission in accordance with the rules set by the law.

#### **Article 29. Location of the Commission**

The Commission is located in Tbilisi.

### **Chapter III. Revision of Restitution and Rehabilitation Cases**

#### **Article 30. The Right to Apply to the Commission**

1. Refugees, IDPs and other people, who suffered property or non-property damage as a result of the Georgian-Ossetian conflict, can apply to the Commission.
2. In the cases defined in the present law Refugees, IDPs and other people can apply to the Commission within seven years from the moment when the Commission started to accomplish its authorities.

#### **Article 31. Application**

The application related to compensation of property and non-property damage must include:

- a) Name of the applicant;
- b) Facts, which resulted in property or no-property damage;
- c) Evidences, which the applicant has on hand.

#### **Article 32. Starting the Proceedings**

1. The Commission starts the proceedings:
  - a) if there is an application of the victim or his/her heir;
  - b) if there is an application of the Public Defender related specific facts of violation of human rights as a result of the Georgian-Ossetian conflict;
  - c) if there is an application of a public organization related to specific facts of gross violation of human rights of a specific person as a result of the Georgian-Ossetian conflict;
  - d) with its own initiative if the fact of gross violation of human rights from the part of a public servant or representative of a governmental body during the Georgian-Ossetian conflict is of public importance and its assessment would facilitate regulating the conflict.
2. The application will be forwarded to relevant committee immediately. The committee makes the decision on accepting or rejecting of the application within 15 days.
3. the committee will accept the application, if:
  - a) in case of gross violation of human rights the applicant proves that there is a justified suspicion of existence of such violation; and in case of illegal withdrawal of property he/she submits a document verifying the right of usage or ownership of the property before the moment of illegal withdrawal of the property;
  - b) effective legal means were not available for the victim before the present law was adopted, including the cases, when the victim addressed competent bodies, but the case was not reviewed in an independent, unbiased and fair manner.
4. The committee is entitled to reject an application, if the suit is evidently unjustified or it is beyond the authority of the committee.

5. In case of existence of property and non-property damage the committee develops recommendations and submits to the Commission, which makes the final decision.

### **Article 33. Case Proceeding**

1. The Commission and the committees proceed oral hearings or through formal administrative proceeding, except the exceptions provided by the General Administrative Code of Georgia and the present law and the cases when resolution of arguments does not require investigation procedures.
2. The Commission makes (publishes) the final decision within maximum of 180 days from the moment of accepting the application.
3. In case of existence of special circumstances, if the facts indicated in the application need investigation, which may be connected to complicated administrative procedures, the term for making final decision must not exceed 8 months.
4. The Commission makes the following decisions:
  - a) to the application within the limits set by the applicant;
  - b) to partially satisfy the application;
  - c) to return the application to the committee and give indications with the requirement of precision of certain issues;
  - d) to reject the application.
5. The decision on satisfaction of the application is made by the Commission with the simple majority of all the members of the Commission, and in case of partial satisfaction or rejection of the application, the decision is made by 2/3 of the staff of the Commission.
6. The decision of the Commission must be justified.
7. The decision of the Commission to satisfy the application must define the grounds, conditions and rules for compensation.

### **Article 34. Appealing Against Decision of the Commission**

It is possible to appeal against decision made by the Commission, if the procedural norms defined by the present law were violated.

## **Chapter IV. General Rules of Damage Compensation**

### **Article 35. General Norms of Property Restitution**

1. Initial residence and realty connected to it must be returned to the person from whom it was forfeited, or the assignee of the person in case if the property is owned by the government or an unfair owner.
2. Property, at least 51% of which is owned by the government or other administrative body, or the property which was handed over by the government for loan, rental or the right to use, is considered state property.
3. Property, less than 51% of which is owned by the government is considered on-state property.
4. In case if property was owned or destroyed, demolished or reconstructed by a fair owner defined by the Civil Code of Georgia, the initial resident must get other realty of adequate value as a compensation.
5. As compensation the initial resident must get realty of similar market value in the same place where the forfeited property was located. It is possible to hand over realty of different type with the consent of the initial resident.
6. If according to the present law restitution of property is not possible, by the decision of the Commission pecuniary compensation must be paid to the initial resident.

**Article 36. Restitution and Compensation of State Property**

1. Forfeited or confiscated realty must be returned to the initial resident or his/her successor, if the above property is owned by the state, other administrative body or an unfair owner.
2. In accordance with the demand of the Commission the administrative body, unfair owner, who manage the disputed property, must return the property to its legitimate owner within two months after the demand.

**Article 37. Property, which is not Owned by the State**

1. If the forfeited realty is not owned by the state, also in case of destruction, pulling down or reconstruction of such property, the initial resident must be given other realty or pecuniary compensation.
2. If the property is owned by an unfair owner, such property will be forfeited by the government in accordance with the rules set by the Civil Code of Georgia and hand it over to the legitimate owner.

**Article 38. Destroyed Property**

1. Forfeited or confiscated property is considered as destroyed if the following circumstances represent the facts before the application for restitution is made:
  - a) the above property is located in places like: embankments, water reservoirs, transmission equipment, lakes, preserves, parks, communication equipment, sanitary reserve zones of water supply resources, dumps, other state or international protected natural zones of environmental importance, among them sites of archeological excavations and historical monuments;
  - b) a construction is unusable due to depreciation or other circumstances, when the danger of its falling down exists or it is hazardous in terms of health and hygiene and it is not possible to refurbish it after the decision becomes effective;
  - c) when the façade of the construction is fusty and it disfigures the view of cities, resorts and recreation sites, historical, ethnographic or architectural importance centers, streets and central squares, roads, railway stations, airports, tourist and recreation sites or hinders traffic safety.

**Article 39. Property Considered as Restituted**

Forfeited or confiscated property is considered as restituted if by the moment of applying for restitution:

- a) the permission of their reconstruction was already issued;
- b) the whole construction – its area, volume or destination – is considerably changed as a result of reconstruction, rebuilding or rehabilitation works, or the value of reconstruction, rebuilding or rehabilitation works exceeds the value of the confiscated or forfeited property.

**Article 40. Compensation for Heirs**

1. Compensation of ownership rights for heirs is performed in accordance with the rules set the Civil Code of Georgia;

**Article 41. Compensation of Non-property Damage**

1. Rate of compensation of non-property damage must be fair and proportional. The rate is determined by the Commission taking into consideration specific circumstances.

2. The rights of the victim must be fully rehabilitated.

#### **Article 42. Value of the Property**

1. The confiscated realty and the realty given as compensation must be evaluated with the even criteria, used by the government for selling the same type of stet property or issuing permission for construction of such property at the moment of property restitution. The confiscated property is evaluated with the same criteria, when it is decided to give pecuniary compensation.
2. the difference between the value of confiscated property and the restituted property will be covered by the government except the value, which is added by natural depreciation of the property.
3. The Commission must determine the necessity of rehabilitation and reconstruction works and estimate the cost of such works.
4. In case if in accordance with the present law receiver of the property chooses Georgia as permanent residence place, he/she will be given one-time and monthly aid. One-time aid amounts in ??? GEL per person and the monthly aid is given during 6 months in amount of ??? per month per person.

#### **Article 43. Period of Property Restitution and Damage Compensation**

1. Property restitution and/or rehabilitation of rights must be conducted within the period of one year after the co makes the decision.
2. Pecuniary compensation must be paid by stages during 3 years after the Commission makes the decision.

### **Chapter V.**

#### **Financing of the Commission. Social Protection of the Members of the Commission**

#### **Article 44. Financing of the Commission**

1. Financial provision of the activities of the Commission and its decision is performed through the Financial Fund of the Commission.
2. The rules of establishment of the Fund of the Commission are defined by the present law and the regulations of the Commission.
3. The sources of filling the Fund of the Commission are the State Budget, grants, and charity contributions made by governments of other states, inter-governmental and non-governmental organizations or private persons.
4. the Commission has a bank account, which accounts the resources of the Fund.
5. The Commission submits its budget to the government not later than 120 days prior the new fiscal year.

#### **Article 45. Salaries and Social Protection of the Members of the Commission**

The salaries and material benefits of the members of the Commission can not be less than the salaries and material benefits of the members of Parliament of Georgia. It is inadmissible to reduce the salary of the member of the Commission during the whole period of effectiveness of his/her authority.

#### **Article 46. Control of the Finances of the Commission**

1. The Commission is liable to:
  - a) keep the accounting records and other documents related to the activities of the Commission;

- b) prepare quarterly accounting, which includes information about monthly expenses;
  - c) provide comprehensive information about the information systems of Commission management based on budgetary control;
  - d) insure lawful management of funds by the Commission.
2. Annual audit of the budgetary fund management is performed by the Chamber of Control, and management of other resources of the Commission is audited by a high reputation independent auditor appointed by the Commission. Accounting of the Commission and conclusions of the auditors will be submitted to the Parliament of Georgia, President of Georgia and other sponsors of the Fund of the Commission.

## **Chapter VI. Transitional Provisions**

### **Article 47. Transitional Provisions**

1. Selection of the members of the Commission is conducted within 3 calendar months after the present law comes into force.
2. Before election of the Chairman the first meeting of the Commission is chaired by the oldest member of the Commission. At the same meeting the Chairman and the secretary of the Commission are elected in accordance with the set rules.
3. The Commission starts revision of applications after 6 months after the present law comes into force.

## **Chapter VII. Summary Provisions**

### **Article 48. Enforcement of the Law**

The present law comes into force as from the moment of publishing.

**The President of Georgia**

**Mikheil Saakashvili**