

**Asian Development Bank (ADB), Accountability Mechanism, Complaint Form**  
(Add rows or pages, if needed)

**A. Choice of function - problem solving or compliance review** (Choose one below)

**Special Project Facilitator** for problem solving (Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)

**Compliance Review Panel** for compliance review (Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)

**B. Confidentiality**

Do you want your identities to be kept confidential?  **Yes**  **No**

**C. Complainants** (Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)

Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	Mailing Address	Telephone number (landline/mobile)	E-mail address
<b>Names withheld as requested by the complainants</b>					

**Authorized Representative or Assistant (if any).** (Information regarding the representatives, or persons assisting complainants in filing the complaint, will be disclosed, except when they are also complainants and they request confidentiality.)

Complainant represented	Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	Mailing Address	Telephone number (landline/mobile)	E-mail address
<b>Names withheld as requested by the complainants</b>						

#### D. Project

Name	Georgia Construction of the Highway
Location	Second Phase of Tbilisi-Rustavi Highway
Brief description	<p>We embrace the construction of the given highway, but it happens at the expense of infringing our civil rights. On 22.06.2017 we wrote a complaint to Asian Development Bank <b>Special Project Facilitator</b> as the construction of the highway 15-20 meters away from our residential building and 10 meters away in case of 4<sup>th</sup> entrance, contains threat. Our complaint has been reviewed and forwarded to <b>Compliance Review Panel</b> for compliance analysis.</p> <p>Before then, the representatives of the Manila Office visited us and met the local residents, the trilateral meeting was held at the Municipal Development Fund (MDF) between MDF representatives, the residents and the representatives of ADB's Manila Office. In case of interest, we can provide the Protocol of the meeting later.</p> <p>Hereby we provide small extracts from the Protocol of the meeting. <b>“Complainants have very general and scarce information about the project. They want more clarity. They have obtained the map from their own sources. They should know about the project plan and location. According to the given map, they know that the road passed in the very close vicinity to their residential building.”</b> Nothing has changed since then, we still have the same information we had before OSPF's arrival. We have addressed MDF and requested to provide us the maps and project parameters in regards to our residential building. MDF provided us the map with microscopic size of font and incomprehensible signs. No one thought of meeting with us and explaining the maps to us. We could not use this kind of information neither for the public awareness not for appealing to the Court. On the same meeting, after many legitimate questions with which the complainants requested the examination of building sustainability and provision of written guarantees whether the building would be demolished, D. Tabidze replied <b>“The State takes full responsibility for its actions and its mandate is taking care of its citizens”</b> and <b>“It would be preferable to organize separate meeting on technical issues, which will be attended by more representatives of complainant side. The separate meeting will enable them to discuss all the details of the project and get answers to their questions”</b>. It was decided the meeting with the population would be held in September 2017 where the residents would be provided detailed information about everything, including the demolishing and security. Please be informed that this meeting has not been held separately with the residents of our residential building. We've had several phone conversations with MDF representative and they always tried to avoid the question regarding the meeting, stating that Board Meeting should be held first and that nothing was decided yet (We are aware of the Board decision from the website).</p> <p>In August 2017, the case for forwarded to Compliance Review Panel. Compliance Review Panel might be working on the case of Residential Building 28a, but the reports that we have seen on the web-site are about the other residential buildings, particularly Rustavi highway 12, 16 ab and other buildings. We also think that your department has been reviewing other buildings' cases for a long time and you might have more detailed information regarding the 28 a residential building. We have read your reports of January 16, 2017 and February 13, 2017. As we understand the given reports apply to our – 28a residential building as well. As you probably know one more meeting was held by the initiative of the Asian Development Bank between the engineers and the population, at Tbilisi Krtsanisi Gamgeoba. Here as well, the topics discussed covered the cases of other</p>

residential buildings, ecological situation and mitigating measures. Here we mention only the meetings that have been attended by our representatives.

We want to clearly state from the beginning, that our building's conditions are different than the conditions of other residential buildings of Rustavi highway and we are very concerned in this regard. Installation of the equipment, monitoring and in case of threat cancellation of the construction is long-term process. The building might collapse one day, causing the death of the people as a result of ignoring these circumstances. So we write this complaint for the purpose of protecting our fundamental right of life. We hereby list the differences between the residential buildings:

1. The number of the resident families in the residential building 28a of Rustavi highway is 60, it was built in 1966. Its operation term has expired. Within several years after construction of the building, the 4<sup>th</sup> porch of the building lowered and the walls were deformed and it is still visible, the walls have been cracked. Back then the foundation of the building was strengthened and further deformation and demolish process was stopped (1971-72). But this is comparative as well, the residents notice more cracks and deformations everyday which is hard to be proved.
2. The building was constructed on the territory of former cemetery and we think that unstable ground makes building more unsustainable. There are many additional extensions in the building which make building more unstable and it may collapse not while construction of the Tbilisi-Rustavi highway but during its operation as well;
3. In July 2015 the expert evaluation of the building was conducted and we have received the experts' conclusion from MDF, which certifies that our residential building's ground has been moved towards the river. As for the waters in our basements the experts verbally confirmed that these are ground waters and not the water leaks due to malfunction of the communications, but this opinion was not included in the conclusion. Movement of the ground might be the old process so additional evaluation should be conducted within 12-18 months from the previous experts' evaluation (Such evaluation was not conducted) to find out whether the process continues. In case of interest we can send you the scanned copy of the experts' conclusion. We are extremely concerned that no one checked the ground movement and underground water issues and if we take into consideration the fact the ravine located in 10 meters from the building will be cut off and the road will possibly pass below the ravine, along Mtkvari River, then our residential building with its moving grounds and underground waters may possibly collapse over the road along with its residents. If we are not mistaken, this is called landslide.

On the given photo you see the basement with wet land – ground water, level of which sometimes increases.



4. The land in front of the building is also loose and moving. Before we had garages constructed over there and many of them required strengthening with concrete as the land lowered.
5. Additional extensions are not constructed vertically and attached to the building but horizontally between the loggias of opposite neighbors, which practically are impossible to be strengthened. Please see photo below



6. During the last meeting which was held at Krtsanisi Gamgeoba, between MDF, the residents of the buildings and engineers, the MDF representative told us to decide regarding the compensation amount for square meter and resettlement, so that the decision to be united.

D. Tabidze talked to us about this issue in informal environment, during the meeting. We stated there that we wanted no less than 1000 USD per square meter, this amount was unacceptable for him, he declined our request and smiled. Despite of this, we called the residents assembly, contacted the neighbors that currently don't live in the building and agreed on the compensation amount – 900 USD per square meter and on the request, which covered many issues and provided the arguments. It should be noted that the request was signed by almost 100% of the residents (1 resident passed away and successor did not obtain the right to the heritage, 2 residents were abroad but we had their verbal consent). 100% consent of the residents means that the concerns about the building's collapse are serious, otherwise no one is happy about changing the place of residency and none of us are focused on getting benefits from this situation and improve our conditions; on the contrary, we worsen our conditions.







#### E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?

Our rights are violated:

1. Right to live: Our residential building might be demolished during construction or exploitation of the highway, which might cause the death.
2. Right to live in sound environment: 24-hour noise, vibration, polluted air
3. Our real estate property (if it survives demolishing) has depreciated and will further depreciate, as the residential building the exploitation term of which has long expired will soon become unsuitable for habitation due to the operation of the road.
4. Right to health – Because of this noise and dust, allergic and malignant diseases will increase, children will not be able to grow in a healthy environment. It should also be noted that our residential building is 150-200 meters away from the current road and we are under the bipolar vibration, noise and pollution.

Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?

■ **Yes.** If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

Asian Development Bank Georgia Resident Mission – 11.10.2016  
Ministry of Environment Protection and Natural Resources – 29.11.2016  
Ministry of Infrastructure and Regional Development – 06.12.2016  
Chairman of the Parliament – 29.11.2016  
Chairwoman of Committee on Legal Issues of the Parliament – 29.11.2016;  
Member of the Parliament, Beka Odisharia – 29.11.2016;  
Public Defender of Georgia – 06.03.2017;  
Member of the City Assembly of Tbilisi – Alexandre Elisashvili – 06.03.2017;  
Prime Minister of Georgia – 11.10.2016;  
Municipal Amenities Department of Tbilisi City Hall – 06.12.3016  
Municipal Development Fund of Georgia – 06.12.2016

From most of the above-listed agencies we have received the response with more or less same content: Confirming that they have received our complaint but at the given period they are unable to solve our requirements, as the issues mentioned in the complaint do not fall under their competences, or they are examining our case or/and that our residential building is outside the buffer zone.

On November 17, 2016 the engineers of the Asian Development Bank, particularly Michael J Beauchamp and Project Officer Tiruche Bum (the name can be misspelled) and several other persons came to see the residential building. From their conversation, we found out that as the building is outside the buffer zone, these problems did not concern them anymore. But they assured us the monitoring will be conducted during the construction and if the stability of the building is under the threat, then the construction will be suspended.

We have submitted our complaint to the MDF with signatures of 57 resident, that we require 900 USD per square meter and that some of the residents want a new living space in return of their space and that we want resettlement as our lives are under threat. We can send you the scanned copy of the given document as well.

No

#### F. Optional Information

1. What is the complainants' desired outcome or remedy for the complaint?

Our goal is that our rights to live, health, dignity and other rights not to be violated.

In our opinion there are several alternatives to solve our problems:

1. Getting relevant compensation - 1. Receive the appropriate compensation - With the help of the Asian Development Bank to be allowed to buy apartments of same area and condition in the district with same market value (but all possible expenditures related to material and moral damage and resettlement should be taken into account) and individual contract should be signed with each family.



2. To be offered the alternative living space in one of the districts of the city, possibly in the same district and with the same market condition, as ours. The living space should be in the white carcass and we should also be provided material resources to bring it to the condition of our current appartments (part of the population may agree to be placed in the nearby residential building which is currently constructed).
3. In order to prove the legitimacy of the abovementioned 2 requests, based on the peculiarities of our building, we kindly ask you to examine and evaluate the sustainability of our building and not to apply automatically the data of other buildings to our residential building.

2. Anything else you would like to add?

Since the meeting held in 2017, we, the residents of the residential building of 28a, have a verbal agreement with MDF and no construction machineries will work near our residential building, until there is agreement reached with the residents.

We want to assure you that due to the threat to our lives, we will do our best to prevent construction works and entering of the construction machinery in the area adjacent to the 28a building until there is agreement reached with us.

**Name of the person who completed this form: Name withheld as requested by the complainants**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

**Complaint Receiving Officer (CRO),** Accountability Mechanism  
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,  
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086,  
E-mail: [amcro@adb.org](mailto:amcro@adb.org)