

## CONFIDENTIALITY

The complainants have exercised their right under the Accountability Mechanism policy to keep their identities confidential. Their names and any other information supplied in the complaint letter were deleted at their request.

### Asian Development Bank (ADB), Accountability Mechanism, Complaint Form

(Please add fields or pages as necessary)

#### A. Select the function-problem resolution or compliance analysis (please select one)

- ◆ **Special Project Facilitator** for problem resolution *(by using informal, flexible and problem resolution oriented methods, all parties agreement and engagement, supports people who due to certain circumstances have been or could possibly be directly or materially affected by ADB-supported projects.)*
- ◆ **Compliance Review Panel**, for compliance analysis *(investigates alleged noncompliance by ADB with its operational policies and procedures that has caused, or is likely to cause, direct and material harm to project-affected people; also monitors remedial action implementation process)*

#### B. Privacy

Do you want to keep your name confidential?

◆ Yes [CRO Note: revised as of 30 June 2017]

No

#### C. Complainants

Name and Address (Mr., MRS)	Signature	Title/Organization (if such exists)	Mailing Address	Telephone Number (Landline/Cell phone)	E-mail

**Authorized Representative or Assistant** *(if such exists). (Information regarding complainant representative or persons who have assisted them in filling the complaint forms. Information on assistants shall be publicized, unless they are complainants themselves and request to keep their names confidential)*

Represents the Complainant	Name and Address (Mr., MRS)	Signature	Title/Organization (if such exists)	Mailing Address	Telephone Number (Landline/Cell phone)	E-mail

Note: Thirty (30) other complainants'/signatories' names and personal information were deleted at their request.

D. Project

<b>Title</b>	<b>Georgian Highway Construction</b>
<b>Location</b>	<b>Georgia, Tbilisi-Rustavi Urban Link Section 2</b>
<b>Short Description</b>	<p>We welcome the idea of the construction, but all this is happening on the grounds of civil rights infringement. Construction of the highway [REDACTED] away from the building is very dangerous (the building closest to the road is the [REDACTED] road will be running approximately [REDACTED] away from the building entrance. Distances mentioned herein are based on our approximate measurement as we could not obtain detailed map of the project, but we have and use an ordinary map):</p> <p>Air in the building surrounding will be highly polluted (90% of the air pollution in Tbilisi city is caused by the cars. Engine of one vehicle consumes 45 times more oxygen than one human.), dust and exhausts contain carcinogen and increases the risk of allergies, respiratory diseases and malignant tumor. All day and all night people will be affected by continuous noise and vibration, trees will be cut.</p> <p>Also we are concerned with the condition of our building and future of our real estate.</p> <p>We would like to inform you that, [REDACTED] building and it has been constructed in [REDACTED]. The building has exhausted its service life. Several years after the completion of the construction building [REDACTED] (entrance facing the future highway) has shifted and large cracks were visible, other buildings have deformed as well. Deformations and cracks are visible nowadays as well. With the first signs of deformation basement reinforcement has been conducted and thus deformation process and possible destruction has been stopped [REDACTED]). We think that the basement soil is unstable and it makes the building even more unstable. Building has annexes attached, which make the building even more unstable and might fall down not only during the construction of the highway, but also after is exploitation; all above mentioned may cause casualties and material harm. In [REDACTED] expertise has been conducted and we have received the results from Municipal Development Fund of Georgia that shows the soil in the basement is being shifted towards the river and experts have verbally noted that water in the cellars is coming from the underground and is not caused by the damaged communication system, but latter is not described in the expertise report. Shifting of the basement rock layer could be an old process, thus in [REDACTED] after primary examination secondary examination shall be conducted (and it has not been conducted) in order to monitor shifting process.</p>

### **E. Complaint**

#### **What kind of direct and material harm is caused or can be caused to complainant by the ADB-supported project implementation?**

Our rights are being violated:

1. Right to live: during the construction period or during the exploitation of the road building might collapse and cause casualty;
2. Right to live in a healthy environment: 24 hour noise, continuous vibration and polluted air;
3. Our real estate- (it if survives destruction) buildings have lost and will continue losing their value; due to exhausted service life and poor operational conditions during the exploitation of the highway building will no longer be suitable for residence.
4. Right of health- with the noise and dust there will be higher risk of allergies and malignant tumors; children will not be able to grow in a healthy environment.

#### **Did the complainants take any measures in order to resolve the problem with ADB operational department, including ADB representation?**

◆Yes. If the answer is positive then please provide following information: when, how, by whom and with who were the measures taken? Also please describe how did ADB react or what kinds of measures have been taken to address complain?

ADB Georgia Resident Mission- [REDACTED]

Ministry of Environment and Natural Resources Protection of Georgia-

[REDACTED]; Ministry of Regional Development and Infrastructure of Georgia-

[REDACTED]; Chairman of the Parliament of Georgia [REDACTED]

Chairperson of the Legal Issues Committee- [REDACTED];

Parliamentarian of the Parliament of Georgia-Beka Odisharia [REDACTED]

[REDACTED] Office of Public Defender of Georgia- [REDACTED];

Member of Tbilisi City Assembly- [REDACTED]

[REDACTED]; Prime Minister of Georgia- [REDACTED];

Tbilisi City Hall Department of Municipal Improvements-

[REDACTED]; Municipal Development Fund of Georgia- [REDACTED];

Most of our letters have been addressed and all the answers stated following: recipients confirmed the acceptance of our letter, but were unable to take any measures as: the issue is beyond their sphere of competence or issue is still being processed and/or our building is beyond the buffer zone.

[REDACTED] engineers from Asian Development Bank Office visited the area. One of the engineers was Michael Beauchamp and Project Officer-Tiruche Bum (maybe we made mistake when we wrote down the name). Based on their conversation we understood that the issue does not relate to them as the building is beyond the buffer zone. But, they have kindly promised that monitoring will be conducted during the construction period and if it appears that construction endangers the building then it will be stopped.

**F. Additional Information**

**1. What is the desired end state or possible resolution for the complainant?**

Our goal is to ensure that our rights of life, health, decent housing and other rights defined by Constitution of Georgia are not violated. We believe that there are multiple alternative ways to resolve the issue:

1. To obtain adequate compensation-with the support of Asian development bank purchase similar size, price and condition apartment in the area with similar prices (though some possible expenses such as material and moral damage, moving related expenses shall be considered) and in order to accomplish above mentioned conclude agreement with each resident.

2. Receive suggestions on available apartments in one of the districts of the city similar to our district and with similar price. Apartments may be white frame condition and with the support we could make it livable (some residents may agree on moving to the nearby building that is still under construction).

**2. Is there anything you would like to add?** We believe that you will kindly consider the matter. Thank you!

**This Complaint Form has been filled by** [REDACTED]

**Signature** [REDACTED]

**Date:** [REDACTED]

**Please send this form via post, fax, e-mail or ADB representation to the address below:**

Complaint Review Officer (CRO), Accountability Mechanism  
ADB Headquarters, 6 ADB Avenue, Mandaluyong 1550, Philippines  
Tel: +63-2-6324444 extension 70309, Fax: +63-26362086,  
E-mail: [amcro@adb.org](mailto:amcro@adb.org)