



LIGA LIDSKÝCH PRÁV

The League of Human Rights

Annual Report 2007





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Editor: Magda Kucharičová

Text: Magda Kucharičová, Jiří Kopal

Graphics and typography: Zuzana Poloncová

Cover photo: Fabrice Clerc, julie3jax

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Introduction

A Year of Typical Work or Another Year Full of Paradoxes?

The year 2007 came to an end at Liga lidských práv as a sweeping gesture towards bringing together what was seemingly incompatible. LIGA lawyers continued their efforts this past year establishing human rights values as a conventional practice in the Czech Republic.

We successfully sued hospitals where Romany women were sterilized without consent. We considered it reprehensible to prevent a woman who had given birth to leave a maternity house or to expose a child to radiation without the consent of his parents. At the same time, we have cooperated with university hospitals and their management on improving the standards of informed consent of doctors.

On the part of injured persons we continued lawsuits against violent policemen. On the other hand, we supported the first steps of a police reform leading to independent investigations of police and their approximation to citizens.

We did not consider it sufficient that racial aggressors were condemned for their deeds in cases pleaded by LIGA. Therefore, together with liberal judges we started to teach aggressors to pay compensation to their victims. Moreover, we promoted modification of victims' rights from the first legislative proposals of a new criminal procedure code.

We defended parents and their children in specific cases where social workers prevented the parents from taking their children from state care institutions. Thus, nine children will not be institutionalized thanks to our legal aid. At the same time we trained social workers in observing the UN Convention on the Rights of the Child.

We supported the claims of Romany children discriminated in education at the European Court for Human Rights in Strasbourg through the results of research and cooperation with the International Human Rights Federation (FIH). On the other hand, we communicated directly with school headmasters to improve attitudes towards Romany children. We developed the Fair School Certificate by means of a marketing model which will be offered to schools in the years to come that will follow the principles of children's rights, non-discrimination and social integration.

We responded with the cooperation of PILA to the lack of lawyers providing pro bono legal services to the poor and to victims of criminal offences, by supporting the initial steps towards the foundation of the first Czech pro bono clearinghouse.

The media commented on our work and our experts at the domestic level in about three hundred articles. Our legal articles have begun to be increasingly published in professional legal magazines. After more than five years of work, our efforts resulted in the publication of six policy papers full of analyses and information, and a further six publications, four of which can be found in a new series entitled Rights in Context. All this was possible not only because of our work on domestic cases, but also thanks to the transfer of foreign experience. We extended this foreign experience more than ever before, as well as, the cooperation with international experts.

On behalf of Liga lidských práv I wish the readers of this report and all our collaborators as much joy as possible in the already running year 2008,

Jiří Kopal, Chair of Liga lidských práv (LIGA)

LEAGUE OF HUMAN RIGHTS (LIGA)

WE ARE a Czech non-governmental organization.

WE HAVE BEEN WORKING in the field of human rights as an independent organization since 2002.

WE SPECIALIZE in the legal protection of human rights guaranteed by the Charter of Fundamental Rights and Basic Freedoms and other international conventions, particularly in the field of health care, children's rights and criminal justice.

WE PURSUE problems that deal with the rights of patients, people with mental disease or mental handicap, compensation of unlawfully sterilized victims, handicap children put into separate classes and schools, children illegitimately institutionalized, observance of human rights on the part of the police, raising the protection of victims of maltreatment and racial motivated and violent offences in criminal trial proceedings.

WE DEFEND individuals in cases which, if successfully settled at trial, may potentially improve the situation in the field of human rights application.

WE PROVIDE legal advice and support to patients, the mentally ill, child victims of violence and ethnic discrimination, victims of racial motivated attacks and police violence.

WE INFORM in the Czech Republic and abroad the public and experts about the rights of the individuals and events in the area of human rights.

WE EDUCATE doctors and hospital management, teachers and headmasters of elementary schools, public administration officials, employees of non-governmental organizations, and future lawyers.

WE ANALYZE cases of systematic violations of human rights in specific areas and examples of appropriate legislative amendments as well as good foreign practice applicable in the Czech environment.

WE PROMOTE improvement of the system in individual areas of human rights protection and the ratification of significant international conventions on human rights protection by the Czech Republic.

WE PROPOSE legislative amendments and systematic provisions.

WE COOPERATE with local as well as foreign organizations, pedagogues, lawyers, judges, hospitals and students.

WE PUBLISH special articles, analyses, manuals, studies, comments and system recommendations.

WE REQUIRE such a society where human rights are observed in everyday life and where individuals are able to defend themselves effectively, if their rights are violated.

The Mentally Disabled

We strive to change the often traditional attitude of the Courts in questions of involuntary hospitalization and the deprivation of competency to enter into legal transactions. We provide free legal support to people with mental disease or mental handicap...

- **The Constitutional Court complied with the complaint of Mrs. M. who had been illegitimately deprived of competency by common courts and declared that the right to private and family life in addition to the right to vote had been violated in this case. The Constitutional Court also confirmed that this was not an isolated problem from the Czech courts but one which was widespread.**

...we work towards enforcing changes in the system...

- **LIGA and MDAC elaborated a policy paper which proposes strengthening the rights and autonomy of people with a mental disease or handicap who are currently being deprived of competency to enter into legal transactions.**

...we publish comments on laws, analyses and other specialized texts.

- **Legal Aid in Cases of Involuntary Hospitalization** was published by LIGA and MDAC for everyone who was involuntarily hospitalized in mental institutions and was convinced that their rights were thereby violated. The manual is designed for self-advocates and solicitors of the involuntarily hospitalized persons.



Patients' Rights

We work toward raising awareness of patients' rights...

- **Almost one hundred questions were answered during the year through e-mail, telephone and online counseling service.**

... we help increase the likelihood of obtaining justice for the injured and develop suitable ways of rectifying the breach of doctors' duties...

- **Together with Kateřina Šimáčková, an expert on constitutional law, LIGA helped to enforce the rights of parents and the best interest of the child in a case where parents chose to discontinue exposing their son to radiation after cancer treatment in order to save the quality of their child's life.**

...we try to improve the practice of health-care facilities and raise awareness of informed consent for medical personnel.

- **Following a long-term cooperation with the University Hospital in Ostrava, University Hospital in Olomouc, St. Anne's University Hospital in Brno, hospital in Blansko and Silesian Hospital in Opava, LIGA lawyers Michaela Kopalová and Robert Cholenský, prepared a manual called *How to Obtain Informed Consent of the Patient in Practice* which provides assistance to doctors and medical staff when facing difficult decisions.**

Porod ve Vyškově: Podepiš, anebo ven!

Dokončení ze str. 1

»Informovaný souhlas je proces, ne jen pouhý podpis formuláře,« říká bývalý ministr zdravotnictví, nyní poslanec za ČSSD David Rath. »Vlastní souhlas zahrnuje zdůvodněnou nutnost zákroku nebo operace a jasné vysvětlení rizik a přínosů jak pro matku, tak i pro plod a nabídku alternativních postupů.«

Jenže přesně tohle paní Ambrosově nikdo z přítomných lékařů nenabídl. Dostala k podpisu dokument, který mají HN k dispozici a v němž se praví: »Souhlasím s navrženým vyšetřením, postupem léčení (operací a způsobem znečištění), který mi byl navržen a o kterém jsem byl informován.« Liga lidských práv dokument považuje za protiprávní.

»Pokud tohle podepíšete hned po příjezdu do porodnice ještě dřív, než vás lékař s čímcí seznámí a než si to promyslíte, vzdáváte se svých práv na informovaný souhlas,« říká Michaela Kopalová, právnička z ligy. V praxi to znamená, že následně se lékař může pustit do jakýchkoli zákroků bez nutnosti informovat, proč je provádí, jaká jsou rizika, a zbavit tím rodičku možnosti volby.

Rodičky si stěžují

Obdobné dokumenty nedávají k podpisu rodičkám jen ve Vyškově, ale například v Praze na Bulovce nebo v Podolí. Liga lidských práv jenom za prázdninové měsíce přijala desítky podnětů od rodiček samotných i od občanských sdružení, které poslaly téměř identické formuláře. »Ve všech je stejný po-

O praxi, kdy si lékaři často i nátlakem usnadňují práci, ví i stínový ministr zdravotnictví.

»To, co předkládají rodičkám v porodnicích, je naprosto nedostatečné a často i v rozporu se zákonem,« zlobí se po telefonu David Rath. »V Německu nebo v Anglii jsem viděl, jak takový informovaný souhlas vypadá – jsou to velké složky s obrázky a velice jednoduchým textem, kde jsou popsány alternativy i možná rizika. A rodič-

ka pak dostane maximum času na rozmyšlenou – samozřejmě podle možnosti.«

Primář vyškovské porodnice Josef Eim říká, že lékaři z jeho týmu pochybili. »Doktor má právo pouze doporučovat, nikoli nařizovat, tím méně pak dávat ultimáta,« říká Eim. »Na druhou stranu – já za ními stojím, protože je chápou. Ve škole se naučili velké zod-

povědnosti a kašlou vám na nějaký právní řád, když vědí, jaká rizika mohou nastat. Nemožou tu matku jen tak nechat, přihlížet a zasahovat jen když se něco děje. Tohle prostě doktorovi nedá.«

Co musí čtít lékař

A v tom je podle právníků problém. »Lékař musí respektovat právní řád a smířit se s tím, že ne každý pacient nebo zdravá rodička stojí úplně o všechny vymoženosti, z nichž některé mohou být i nadbytečné. Musí prostě respektovat možnost volby,« říká Michaela Kopalová. Stejně to vidí i ministerstvo zdravotnictví. Podle mluvčího Tomáše Cikrta je lékař povinen informovat, navrhovat, ale volbu nechat na pacientovi. Samotný podněs dokumentu je jen tečkou za cen-



Unlawful Sterilisations

LIGA keeps pushing the state to apologize for direct interventions into the physical and mental integrity of women sterilised without informed consent...

» The Supreme Court in Olomouc confirmed that in the case of Helena Ferencíková the intervention had been carried out in conflict with the law and ordered the Hospital in Vitkovice to make a written apology to her.

» An apology and financial satisfaction amounting to a half million CZK for unlawful sterilisation was awarded to Ms. Iveta Červeňáková by the Regional Court in Ostrava.

... we wish to set a mechanism for the fair compensation of victims.

» In December 2007 the Government Council for Human Rights accepted a suggestion from the Committee on Human Rights and Biomedicine which was elaborated and partly enforced by LIGA lawyers, David Zahumenský and Jan Kratochvíl. The suggestion, which is now ready for discussion by the government, will aid in the prevention of sterilisations without informed patient consent and shall help compensate the victims of unlawful sterilisations.

CHILDREN'S RIGHTS 2007

Fair Schools

We consider it crucial to promptly decrease the number of Romany children educated in separate classes and schools...

- The European Court of Human Rights declared that placing Romany children into separate classes and schools amounted to discrimination and was contrary to the obligations of the Czech Republic arising from the European Convention for the Protection of Human Rights and Fundamental Freedoms. In a comprehensive justification the Court confirmed the legal as well as factual arguments which LIGA has repeatedly presented to the Czech government

...we are convinced that quality education can bring the participation to the employment market of socially or otherwise disadvantaged children and relief for the stage budget and enrichment of Czech society as a whole...

- On the occasion of International Children's Day, LIGA proposed a solution to the social problem of a segregation of Romany children at elementary schools. Already in March 2007 the UN Committee on the Elimination of All Forms of Racial Discrimination called upon the Czech Republic to adopt efficient measures and eliminate this unacceptable situation.

...therefore we publish detailed system recommendations, current analyses of the Czech educational legislation and specialized texts...

- In cooperation with the ERRC LIGA published special Czech edition of the publication about segregated schooling of Roma children.



...we organize seminars on discrimination for teachers and headmasters of elementary schools...

- In June 2007 LIGA published a practical guide called *Fair Schools Are Not Discriminating*, where pedagogues can find answers to their questions of discrimination at elementary schools.

...we cooperate with headmasters of elementary schools in Brno and work on the proposal of changing the standard for a pupil with special educational needs.



Případ jihočeské matky

Náměstkovi českbudějovického primátora Tomáši Kubínovi (ODS) se zčásti splnil velký sen: devět dětí občanky jihočeské metropole Valérie Pužové vyrůstá v klidném, čistém a stabilním prostředí. Tyto podmínky jim ovšem nezajistil transport do dětského domova, jak náměstek Kubín původně myslel a prosazoval, nýbrž jim je vytvořila jejich vlastní matka. Šanci to udělat dostala ovšem až po dvouleté bitvě s českbudějovickým sociálním úřadem. Bez nadsázky lze přitom konstatovat, že bez pomoci právníček a právníků z Ligy lidských práv a bez poprasku v médiích by ten spor o právo matky a dětí na společný domov těžko skončil úspěchem.

Ještě loni to s rodinou paní Pužové vypadalo velmi nahnutě. Matka devíti dětí a čerstvá vdova se po smrti partnera a živitele propadla do těžké sociální situace. Českbudějovické úřady jí moc nepomohly, naopak: za několikaměsíční dluh na nájemném ji spolu se všemi potomky odsunuly do jednopokojového bytu v ubytovně pro neplatiče za městem. Sociální pracovnice sem sice přicházely poměrně často, ale nikoli s pomocí, nýbrž s ostrou kritikou, že matka nedokáže místnost obývanou devíti malými dětmi různého věku udržet ve „standardním pořádku“. Sociální pracovníci podporovaní magistrátem nakonec právě loni podali návrh na odebrání všech dětí do dětského domova. Soud jim vyhověl jen částečně.



Institutionalized Children

We always stay faithful to the child's best interests. We help families whose children were placed in state care institutions or where such a situation is imminent...

• LIGA lawyers provided advice to more than sixty clients within the year.

...we provide support in strategic cases where the impact of the result can help a number of people in similar situations...

• A twelve-year old E. spent ten months in a state care institution. He did not return home until the intervention of LIGA which represented his mother. Subsequently, LIGA, on behalf of the mother, applied for compensation for interference with family life. Moreover, LIGA lawyers also achieved success in two other cases. Nine children were thus freed from state care.

...we extend qualification of field social workers of a legal minimum related to state care institutions...

• Six seminars on the topic „Children's Rights and State Care Institutions“ took place in spring and in autumn for social workers and employees of non-governmental organizations.

...we promote such changes in legislation which will result in a reduction of institutionalized children.

• In this respect LIGA published a system recommendation called *Care for Children Withdrawn from the Biological Family* and an analysis called „*Institutionalized Children!*“, which also contains legislative proposals.

Criminal Offences of Policemen

Together with international organizations that monitor the observance of human rights, LIGA has drawn attention, since its establishment, to the absence of an independent authority which would look into complaints against policemen and police officers...

- **LIGA published a policy paper and managed to comment on the bill for a new police act that should influence police work and the level of protection of civil liberties in the following decades.**

...in cases of violent criminal offences committed by the police LIGA appeals for an impartial examination and appropriate punishment of offenders...

- **Three municipal policemen gratuitously battered two foreigners in Prague in 2005. This case was finally closed after two years. The Court confirmed at least a suspended sentence. Thanks to LIGA lawyers the number of policemen sentenced for violent criminal offences was thus increased to nine.**

...we continue to focus on the protection of personal liberty, rights of people held at police stations and violence during police actions.

- **With regard to the unsuccessful investigation of two cases of grave police intervention at CzechTek in 2005, LIGA lawyers turned to civil courts with claims for compensation and rights of privacy.**

International Criminal Court

As the Czech Republic is the only member of the EU which has not ratified the Rome statute of the International Criminal Court (ICC) and thus does not participate in the punishment of the most serious crimes against humanity, We initiated the establishment of a coalition pressing for the ratification of the Rome statute, which already consists of 25 non-profit Czech organizations.

We organize and coordinate coalition meetings focused on the promotion of the ratification of the International Criminal Court...

- **The Coalition, consisting of LIGA, People in Need, Amnesty International, the Czech Red Cross and other organizations, issued at the beginning of the year a public call on the ratification where it presented the main arguments for the Czech Republic joining the Rome statute.**

...communicate, inform and meet politicians and officials of responsible ministries...

- **Liga lidských práv (LIGA) in cooperation with the worldwide Coalition for International Criminal Court, Parliamentarians for Global Action and other organizations organized a seminar in the Chamber of Deputies attended by the most prominent experts from the Czech Republic and Ministries of Foreign Affairs of several EU member states on questions about the ICC.**

...and cooperate at international level.



Rights of Victims of Criminal Offence

We are working towards the establishment of easier access to free and qualified legal aid for victims of criminal offences, because it is the only way of achieving the real participation of the victim in a criminal investigation and punishing an offender...

■ **The District Court in Mělník condemned three aggressors for a racially motivated attack on a Romany family in Neratovice. The number of condemned aggressors in cases of racially motivated crimes with LIGA lawyers representing the aggrieved party thus increased to seven.**

...we also promote the greater likelihood of compensation for injured persons within so called adhesive proceedings and that the system of financial aid to victims be improved...

■ **Four aggressors, who battered a Romany, Marek Polák, while shouting racist expressions in Prague in 2002, were condemned by a criminal court in 2005. Moreover, thanks to LIGA, steps for the protection of his physical integrity and individual rights they were forced to pay 100.000 CZK this year to the victim for interference with his physical integrity.**

...we consider the procedural status of injured persons in criminal proceedings and the protection of human rights of victims as insufficient and therefore challenge experts about legislative amendments in relation to recodification of the penal code.

■ We organized two round tables for experts in Brno and Prague on the topic of „*Status of the Aggrieved Party in Prosecution and Access of Crime Victims to Justice*” and „*Strengthening the Protection of Crime Victims from a Secondary Victimization*”. The round tables were attended by representatives of the Supreme Court of the Czech republic, Supreme Public Prosecutor’s Office, Ministry of Justice, Czech Probation and Mediation Service, Police of the Czech Republic, the Bar and non-governmental organizations as well as specialists from Law Faculties in Brno, Pilsen and Prague.



INTERNATIONAL COOPERATION 2007

NAIROBI – At the beginning of the year one LIGA representative attended the World Social Forum in Kenya as a member of FIDH delegation and presented his paper on a seminar about the impunity of political representatives violating human rights in totalitarian regimes.

BOSTON – WASHINGTON – NEW YORK – NEW HAVEN – During his half-year stay at Columbia University and in the International Centre for Tolerance Education, Jiří Kopal, the LIGA chairman, pursued research in the field of desegregation in education and explored the practice of American non-governmental organizations working in this branch. At the Faculty of Law of Harvard University he held a discussion with the heads of local clinics and students for international protection of human rights; and at Yale and Columbia University he drew experience from the heads of human rights clinics. During his stay he met the executive director of the International Senior Lawyers Project in New York, Jean Berman. He also met with Mike Haroz, a lawyer in Boston, and Arline Pacht, a former judge in Washington, both of whom practiced at LIGA in 2006 as volunteers and have been supporting LIGA activities on a long-term basis.

LISBON – In spring, the LIGA chairman participated in the election of a new board of the International Federation of Human Rights (FIDH) at the 36th Congress in Lisbon. For the first time in history the FIDH has a woman president - Souhayr Belhassen from Tunisia.

PARIS – The new board of the FIDH appointed Jiří Kopal as a Deputy Secretary General of FIDH for Europe.

BUDAPEST – Within the project of the Hungarian Helsinki Committee (HHC) and the Hungarian Civil Liberties Union (HCLU) the LIGA chairman presented a paper on an international seminar in Budapest on the independent control of the police in the Czech Republic.

GENEVA – At the United Nations Human Rights Committee the LIGA representative presented LIGA's shadow report in July, main topics of which were reflected within the final recommendations of the Committee.

PADUA – BRUSSELS – SZÓLNOK – ST. PETERSBURG – During the spring and summer our representatives represented LIGA at a conference on law and psychiatry in Italy, at the annual meeting of the European Association for the Defence of Human Rights (AEDH) in Brussels, at the meeting of experts on Health Law in Hungary and practiced in Russia as instructors within a workshop on the protection of the rights of hospitalized patients.

ORGANIZATIONAL STRUCTURE

Staff of LIGA as of December 2007:

Leaders

- Jiří Kopal – Chair, Corporate Representative
- Jan Vodák – Executive Director, Corporate Representative

Experts

- Petr Bittner – Coordinator, Social Worker
- Michal Čermák – Coordinator, Lawyer
- Jana Havigerová – Lawyer
- Marie Horáčková – Pedagogue
- Jana Kolářčková – Lawyer
- Michaela Kopalová – Coordinator, Lawyer
- Veronika Kristková – Coordinator, Lawyer
- Hana Langhansová – Lawyer
- Markéta Nevludová – Lawyer
- David Zahumenský – Coordinator, Lawyer

Office workers

- Petra Jindrová – Office Manager
- Kateřina Mášová – Office Manager
- Lenka Zieelinová – Accountant, Economist

External legal experts

- Jan Kratochvíl
- Šárka Macáková
- Martin Škop
- Pavla Špondrová

DOMESTIC COOPERATION 2007

Within a series of projects LIGA cooperated...

...with **the Public Interest Lawyers Association (PILA)** on the preparation of the Human Rights School program and publishing legal articles within the project VIA IURIS...

...with **the Faculty of Law of Palacký University in Olomouc** on the first Czech „Human Rights Clinic“ which offers students as part of their education practical seminars and fellowships with LIGA...

...with publishers issuing legal magazines on the enrichment of legal discussion by special reports about human rights protection...

...with the organization **Persefona**, which was part of LIGA until July 2007, strengthening the protection of domestic violence victims in penal law...

...also with the non-governmental organizations **Environmental Law Service, Movement for Active Motherhood, Quip, Portus, Kolumbus, Rozálio, Association for the Help to the Mentally Disabled, Association for Probation and Mediation in the Justice, Czech Association of Traffic Accidents Victims, La Strada, People in Need, Czech Helsinki Committee, Amnesty International, Czech Red Cross...**

...with public administration authorities **Probation and Mediation Service by the Ministry of Justice, the Office of the Public Defender of Rights, secretariat of the Government Council for Human Rights by the Office of the Government...**

...as acting members **of the Czech Government Council for Human Rights and Committee for Civil and Political Rights, Committee against Torture, Inhuman, Cruel and Degrading Treatment or Punishment, Committee on Biomedicine and Human Rights and Committee on the Rights of the Child.**

SPONSORS AND DONORS

Institutions and Organizations

CEE Trust

Mental Disability Advocacy Center (MDAC)

European Union

(Transition Facility, Operational Program for the Development of Human Resources, Joint Regional Operational Program)

EEA and Norwegian Financial mechanisms

(EEA Grants, Norway Grants)

Charles Stewart Mott Foundation

South Moravian Authority

City of Brno

Ministry of Labour and Social Affairs

Foundation for the Development of Civil Society (NROS)

Tereza Maxová Foundation

Open Society Fund Praha

Open Society Institute Budapest

Austrian League for Human Rights

Palacký University in Olomouc

Natural persons

Dufek Ondřej – regular donator

Sammer Jan

ECONOMY 2007

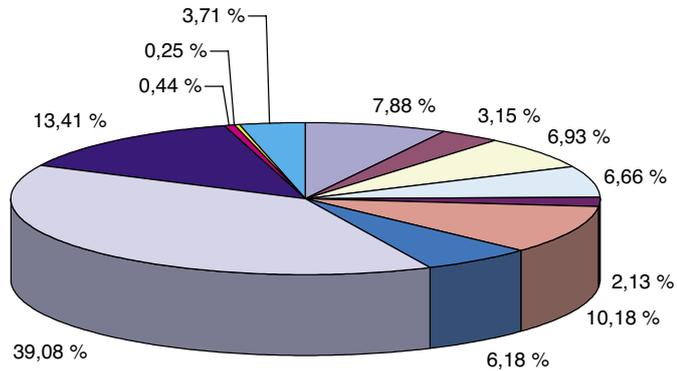
Expenses in EUR

Office stationeries, literature, office overheads.....	23 208
Communication costs (telephone, fax, internet, postage).....	9 288
Office rent.....	20 413
Printing costs, typesetting, propagation.....	19 619
Travel expenses and subsistence allowances.....	6 259
Legal services and fees.....	29 971
Expert services (psychological, financial, translational).....	18 199
Personnel costs.....	115 098
Social and health insurance.....	39 500
Seminars, workshops.....	1 285
Financial expenses (fines, penalties, exchange losses, bank charges).....	748
Project partners.....	10 931
Total expenses.....	294 519

Incomes

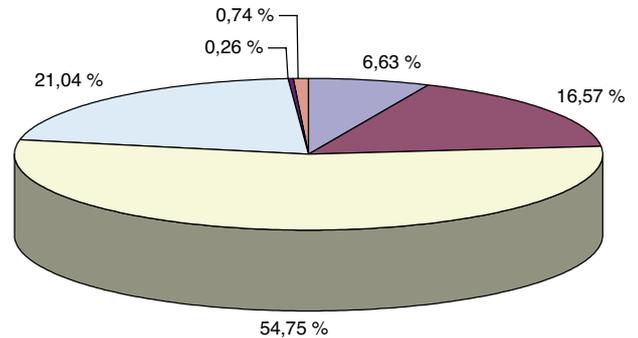
Own incomes.....	19 536
Governmental grants.....	48 821
EU grants.....	161 280
Private grants.....	61 961
Donations.....	763
Financial incomes (bank interests, exchange gains).....	2 189
Total incomes.....	294 549
Profit.....	30
exchange rate EUR/CZK 2007-12-31.....	26,620

Structure of Expenses in 2007



- Office stationeries, literature, office overheads
- Communication costs (telephone, fax, internet, postage)
- Office rent
- Printing costs, typesetting, propagation
- Travel expenses and subsistence allowances
- Legal services and fees
- Expert services (psychological, financial, translational)
- Personnel costs
- Social and health insurance
- Seminars, workshops
- Financial expenses (fines, penalties, exchange losses, bank charges)
- Project partners

Structure of Incomes in 2007



- Own incomes
- Governmental grants
- EU grants
- Private grants
- Donations
- Financial incomes (bank interests, exchange gains)



LIGA LIDSKÝCH PRÁV

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CONTACTS:

Headquarters of LIGA:

Cejl 43, 602 00 Brno t: +420 545 210 446 f: +420 545 240 012 e: brno@llp.cz

Prague office:

Senovážné nám. 24, 110 00 Praha 1 t: +420 224 816 765 f: +420 224 941 092 e: praha@llp.cz

www.llp.cz