

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Cases Successfully Litigated in March

**With the assistance from GYLA's office in Tbilisi, a person illegally dismissed from a limited liability company was restored to work and compensated for missed salary under the court's decision**

Lawyer from GYLA's office in Tbilisi was representing interests of I.M. dismissed from her work at S.M.T.E.T. LLC on grounds of para.1d, Article 37 and para.3, Article 38 of the Labor Code of Georgia. On November 5, 2012, Tbilisi Appellate Court's Chamber of Civil Cases found violation of provisions of the Labor Code – dissolution of labor agreement while labor relations were suspended temporarily (unpaid leave), which violates imperative requirements of the Labor Code.

To restore I.M.'s rights, the court repealed the order on dismissal and ordered the employer to pay monthly GEL 808.80 for missed salaries for the period from November 1, 2011 to February 11, 2013. Further, the beneficiary was restored to her former position

**With the assistance form GYLA's office in Tbilisi, a prisoner sentenced to 14 years of imprisonment was released from serving punishment under the Law on Amnesty**

Lawyer of GYLA's office in Tbilisi was defending interests of a prisoner, G.K. before the cassation court. The plaintiff sought that the law of Georgia on Amnesty be applied to his case. The defendant had been sentenced to 14 years of imprisonment under the verdict of guilty in 2006, which he was serving in a penitentiary facility. In March 2013 Rustavi City Court examined the possibility of application of the Law of Georgia on Amnesty to the plaintiff without oral hearing and reduced his punishment by  $\frac{1}{4}$ , determining 10 years and six months as final punishment serving of which started on May 17, 2005. GYLA's lawyer prepared a cassation complaint against the city court's judgment.

On March 27, the Supreme Court of Georgia examined the cassation complaint in oral hearing and fully upheld the defence's claim. G.K. was released from courtroom.

**With the assistance from GYLA's office in Adjara, a beneficiary was able to receive certificate of inheritance**

GYLA's office in Adjara was representing interests of H.A. in court. The beneficiary had problems receiving a certificate of inheritance, as the National Agency of Public Registry refused to issue a document certifying decedent's right to property, explaining that the no such information was reserved about the inherited property in the technical bureau's archives.

With the help from GYLA's office in Adjara, the beneficiary filed in a claim in Batumi City Court for recognition of property rights. The complaint was fully granted, the decision has already come into force and the writ of execution has been issued. The property concerned was registered under the name of the beneficiary H.A. and the information from the technical bureau has already been presented to the notary for issuing certificate of property.

**With the assistance from GYLA's office in Telavi, beneficiaries were awarded a pension**

Lawyers of GYLA's office in Telavi were defending interests of technical personnel of Telavi State University, L.Ch, E.R., N.B., and N.G. before the Social Services Agency. Telavi Office of the Agency refused to grant a pension to the beneficiaries, saying that they performed public work and therefore, under para.3, Article 5 of the Law of Georgia on State Pension they had no right to pension. GYLA filed administrative claims with the agency. All four claims were granted and corresponding decisions of Telavi Office were declared null and void. Further, Telavi Office was ordered to award state pensions to, L.Ch, E.R., N.B., and N.G. and to provide a compensation for lost pension.

**With the assistance from GYLA's office in Gori, illegally conscribed beneficiary was found unfit for military service and relieved of criminal liability**

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Lawyers from GYLA's office in Gori were defending interests of R.T. summoned to Chokhatauri Military Commissariat for conscription several days before the 2012 parliamentary elections. The beneficiary had been summoned to the commissariat for conscription, before, in 2008 and 2010 but the medical commission had found him unfit for military service in both cases. Nevertheless, this time the medical commission found him fit for the military service.

The beneficiary believed that his conscription in September 2012 was motivated by political reasons, as he was the Georgian Dream's supporter. He explained that before the conscription, police officers threatened him on a number of occasions.

On September 30, 2012, he was temporarily released from Gori Military Unit to vote. According to R.T. he was instructed to vote in favor of the United National Movement in Chokhatauri. R.T. He informed the Georgian Dream's office in Chokhatauri about it and did not return back to the military unit for health reasons. Shida Kartli military police launched a probe on charges of leaving the military unit arbitrarily. Repeat medical examination determined that he was not fit for military service and was relieved of the obligation. Criminal proceeding instituted against the beneficiary were terminated.