



## **The Crime Prevention Center still avoids the execution of an enacted legal decision**

The Center for Crime Prevention does not put into effect the Court`s decisions to restore Tamaz Akhobadze at work, and pay him enforced idleness before restoring. The decision took into force on September 15, 2017.

As a result of case consideration, the Court found that in 2014, the Crime Prevention Center of the Ministry of Justice, illegally dismissed Tamaz Akhobade. According to the employer, **reorganization has become the ground for demission**, however, evidences in the case confirm that reorganization had only a formal character and it aimed at dismissing Tamaz Akhobadze. Consequently, during the case consideration, **it was proved that certain officials dismissed the employees due to the employees' subjunctive attitude towards them and it had nothing in common with quality of their work and competence.**

As soon as delivering the enacted decision, Tamaz Akhobadze addressed Tbilisi Enforcement Bureau and demanded the execution of decision taken in favor of him. Despite repeated requests during the last 1 year, the respondent institution still shuns to restore the plaintiff at work and pay him enforced idleness before restoring. At the first stage, the defendant denied to execute the decision on the grounds that in 2017, the head of the center promoted one of the persons working in the same establishment to the controversial position. In the current year, the above noted person, as an interested party, filed an application in the Court of Appeal to annul the enacted decision and renewal the case, the Court has met the claims, however, the Supreme Court repealed the ruling of the Appeal Court and left the initial decision of Tbilisi Appeal Court in force, which satisfied Tamaz Akhobadze`s demands for restoration and forced idleness refund.

According to both rulings of the Supreme Court, which have been made in connection with the Cassation Compliant filed by the Center and the application of the interested person, it has been confirmed that the Center illegally dismissed Tamaz Akhobadze, which is why he should be restored to the position before dismissal. The Court found that at present, the person who occupies the claimant`s position, cannot be considered as an interested person within scope of the case. Therefore, his advancement should not impede Tamaz Akhobadze`s restoration to the position that he held before unlawful dismissal.

Although Tbilisi City Enforcement Bureau has repeatedly sent a request to the Center in the last months to execute the decision, all of them have remained unanswered. Consequently, it is absolutely uncertain what is the ground for the Center to delay the execution of an enacted decision and there is the basis for assumption that the delay is related to reorganization planned in the Center, the Ministry has already

საქართველოს ახალგაზრდა იურისტთა ასოციაცია  
GEORGIAN YOUNG LAWYERS' ASSOCIATION



commenced to work on it.

Avoidance of the execution of an enacted decision, which in the case given implies refusal to restore Tamaz Akhobadze on disputed position and, consequently, the absence of paying forced idleness before putting back period, might also contain signs of criminal offence. Despite numerous appeals to the Prosecutor's Office regarding the fact, the investigative bodies have not responded appropriately.

GYLA believes that the Center's failure to enforce the enacted court decision, is absolutely unsubstantiated and illegal, due to this we call on one more time:

- **The Crime Prevention Center under the Ministry of Justice**  **Immediately execute the Court's decision to restore Tamaz Akhobadze at the service and reimburse him forced idleness;**
- **The National Bureau of Enforcement** - **take relevant measures to enforce the enacted court decision;**
- **The bodies of the Prosecutor's Office of Georgia**  **to initiate the investigation on the present case and determine whether the activities of corresponding officials reveal the signs of the crime.**

If appropriate agencies do not take relevant measures within their competence to execute the enacted decision, taken in favor of Tamaz Akhobadze, GYLA plans to appeal the European Court of Human Rights to advocate for Akhobadze's interests.