

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successful Cases in October

**Beneficiary of GYLA's legal aid, a public school teacher illegally dismissed from work was restored to her former position based on court's ruling**

Lawyer of GYLA's office in Tbilisi was defending interests of a former public school teacher, M.G., who was also a member of the board of trustees of the public school. In 2011 the school principal terminated her labor contract and dismissed her from school in gross violation of law, and without consent of the board of trustees. M.G. also had not received her compensation in the amount of GEL 400 for tutoring classes. The applicant filed in court seeking annulment of the order of dismissal, compensation for forced absence and tutoring.

The claim was examined by the city court, the appellate court and the cassation court. Tbilisi Appellate Court delivered a decision fully granting M.G's claim; in particular, the respondent was ordered to restore the plaintiff to work, provide compensation for the time before her restoration to work and pay her for the tutoring classes.

### **Beneficiary of GYLA's legal aid, a person with disability will receive lifetime subsistence allowance under the court's decision**

Lawyer of GYLA's office in Tbilisi was defending interests of a person with disability, T.D., who suffered an industrial trauma in 1975, leaving him fully incapable to work. It was found that the employer's legal successor refused to provide monthly salary for the disabled plaintiff to compensate for the injury that the latter sustained due to the unsafe environment. To compensate the damage, Tbilisi Appellate Court ordered the respondent to pay GEL 7 200 in favor of the applicant as well as monthly GEL 200 starting from August 2, 2011, through the plaintiff's lifetime.

### **Beneficiaries of GYLA's legal aid were relieved of administrative liability**

GYLA provided legal aid to the following citizens – G.T., A.S. and N.L. who were arrested on August 24, 2013, for petty hooliganism and malicious disobedience to lawful orders of law enforcement officers. The protocols of violation noted that they were cursing at no one in particular and refused to follow orders of the law enforcement officers and stop swearing. Therefore, they were arrested. The plaintiffs refuted the allegations and stated that A.S. was stopped by men dressed in civilian uniforms for no reason (later they learned that these men were in fact officers of the Interior Ministry), searching him and demanding that he present his documents. They identified themselves as Interior Ministry officers but they never presented any identifying documents. They did not find any illegal item on A.S., and he and his friend

G.T. demanded that they return the documents they had seized. Officers refused to. They tried to find out the reason for the refusal but to no avail. Instead, they were arrested. As to the third individual, N.L., he arrived at the scene after G.T. and A.S. (who also is his uncle) were arrested. When he saw that men dressed in civilian clothes were taking his uncle away in a car, he tried to find out what was going on and where they were taking him; instead, he was arrested without any explanation.

Two of them were found guilty of committing administrative violence by the first instance court and ordered to pay fine of GEL 400. Verbal reproof was issued for N.L. With the assistance of GYLA, G.T. and A.S. appealed the decision of the first instance court in the appellate court. The latter fully granted their appeal and terminated administrative proceedings against G.T. and A.S. for no evident signs of administrative offence.

### **Beneficiary of legal aid provided by GYLA's office in Kutaisi was relieved of administrative liability**

GYLA's office in Kutaisi was defending interests of A.G. before court. The latter had been ordered to pay fine in the amount of GEL 100 for his failure to appear before the Enlistment Office in an attempt to evade military service (Article 1971 of the Code of Administrative Offences).

GYLA shared the defense's position that A.G. had committed petty administrative offence. Under October 11, 2013 resolution of Kutaisi City Court, A.G. was relieved of administrative liability; instead, verbal reproof was issued.

### **Beneficiary of legal aid provided by GYLA's office in Kutaisi was relieved of administrative liability**

M.O. was found guilty of administrative offence based on electronic penalty bill under Article 1182 of the Code of Administrative Offences of Georgia (using means of mobile communication while driving a motor vehicle) and ordered to pay GEL 10 as a sanction. After the term for voluntary fulfillment of the fine expired, M.O. accrued penalty of GEL 150. For his failure to pay the penalty before the deadline, the penalty was replaced by taking away of driving license for the period of one year. With the assistance of GYLA's office in Kutaisi, M.O. appealed the electronic penalty

bill in Kutaisi City Court. The latter terminated administrative proceedings against M.O. by fully upholding the position of the defense that there was not enough evidence to confirm that M.O. had committed administrative offence. The proceedings were terminated for no evident signs of administrative violation.

### **Another beneficiary of GYLA's legal aid was recognized by court as a victim of political repression**

Kutaisi Appellate Court's board of administrative offences granted the claim of appellant M.K. seeking recognition of his deceased father, K.K. as a victim of political repression. The court fully upheld the position of the defense that K.K.'s banishment was politically motivated, overturned the ruling of the first instance court and recognized K.K. as a victim of political repression. This will allow the beneficiary to receive a compensation as an heir of the victim of political repression.

### **Journalists were able to defend their rights with the help from GYLA**

Office of GYLA in Ozurgeti defended interests of editor of Lanchkhuti Moambe, N.G. and journalist of the same newspaper N.L. before court. Lanchkhuti Municipality Sakrebulo had instituted civil proceedings against the beneficiaries, seeking that the newspaper reject the information defaming honor, dignity and business reputation of Sakrebulo members. The court fully upheld the position of the defense that opinion of journalist N.L. about tenders conducted by the municipal authorities was assessment of an individual fact as opposed to an assertion. Therefore, it was protected by the freedom of expression. In this light, under its September 24, 2013 ruling OZurgeti District Court rejected the applicant's claim for the lack of substantiation and grounds.

### **Beneficiary of GYLA's legal aid was granted diversion**

GYLA's office in Gori was defending interests of R.S., V.M. and G.A. during investigation and before Akhaltsikhe District Court. They were charged with crime envisaged by para.2, Article 353 of the Criminal Code of Georgia - Resistance, Threat or Violence against Protector of Public Order or Other Government Representative, perpetrated by a group). Following efforts of GYLA's lawyer the office of the prosecutor offered diversion to defendants before the main hearing of the criminal case, to which the beneficiaries agreed. On October

29, 2013, the prosecution motioned before court for referring the case back to the office of the prosecutor for using diversion. The court granted the motion. R.Sh., V.M. and G.A. were ordered to serve 40 hours of community work as a condition for diversion.

### **GYLA's beneficiary, an elderly grandmother was able to obtain the right to see her grandchildren on certain days**

Office of GYLA in Gori was defending interests of N.P. before court, whose former daughter-in-law refused to allow her see her grandchildren. Under its October 1, 2013 ruling, Gori District Court granted the plaintiff's claim and the latter was able to obtain the right to see her grandchildren on certain days.

### **GYLA's beneficiary was able to register her property rights to real estate in public registry**

GYLA's office in Adjara was defending interests of O.D. before court, who had been refused to have her property rights to a real estate registered under the decision of the National Agency of Public Registry. O.D. filed an administrative claim in court seeking annulment of the decision about registration proceedings and ordering the agency to take an action by registering property rights. Batumi City Court granted O.D.'s claim and ordered the agency to register plaintiff's property rights. The ruling has come into its legal force and the real estate has been registered as O.D.'s property.

### **GYLA's beneficiary was granted child support**

GYLA's office in Gori was defending interests of a plaintiff. T.N. before court, seeking that her former husband be ordered to provide child support. Under its October 7, 2013 decision, Gori District Court ordered respondent, S.G. to pay monthly alimony for child support in the amount of GEL 300.