

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successfully Litigated Cases in November

Perpetrators were prohibited from inflicting verbal, physical and psychological violence on victims of domestic violence

1. With assistance of a lawyer from GYLA [ ] Kutaisi branch, on November 6, 2014 Kutaisi City Court issued protective order in favor of victim of domestic violence A.G. Consequently, perpetrator was prohibited from inflicting verbal, physical and psychological pressure on victim of domestic violence, as well as to have phone contact or to approach vicinity of her house. Protective order was issued for 6 months period.

2. GYLA [ ] Rustavi office represented in the court D.G. [ ] interests who, along with his minor child, was subjected to domestic violence from his husband several times. On November 10, 2014 Rustavi City Court satisfied application of GYLA [ ] lawyer on issuing protective order for five months period in favor of D.G.

**With assistance from GYLA [ ] lawyer some individuals were relieved from administrative responsibility**

1. GYLA [ ] Kutaisi branch protected in the court G.S. [ ] interests, who was deprived of the driving license for 6 months term for driving the car under alcoholic influence and the report of administrative offence was drafted by the police. With assistance from GYLA [ ] lawyer, G.S. has appealed the foregoing report in Kutaisi City Court. Under the November 11 decision of the court, the report of administrative offence drafted against G.S. was invalidated and proceeding was terminated for absence of offence.

2. GYLA [ ] Tbilisi office represented N.S. [ ] interests detained by police officer for disobedience to lawful order of the police. N.S. was detained in police building when he attempted to find out why police failed to make adequate response on his statement where he reported about implemented violence from the side of family members. According to the court ruling, the case of administrative offence was terminated for absence of signs of offence.

3. GYLA [ ] Dusheti office represented in a court M.G. [ ] interests. According to case materials employees of environmental monitoring department drafted report of administrative offence against him for use of minerals, namely cobbles, without license. At the court hearing representative of environmental monitoring service claimed imposition of fine in the amount of GEL 1500. As far as cobble-stone retrieved by G.S. is not a mineral with significant value and no separate permit is required for its obtaining as per [ ] Resource Law A [ ] the lawyer considered reprimand

sufficient penalty for this misdemeanor. The first instance court upheld argumentation of the defense and applied only reprimand. The Appellate Court also upheld the ruling of the first instance court.

4. On September 6, 2014 during the so called [REDACTED] officers of Tbilisi police detained three individuals for violation of public order and disobedience to lawful order of the police. At the court hearings arguments and evidences submitted by GYLA [REDACTED] lawyer revealed their unreasonable detention. In particular, when police officer requested from one individual an ID card, another person accompanying him decided to record police conduct on a mobile phone with a view to exclude any further escalation. Police officer got irritated and all three individuals were detained. Finally, upon court decision, proceeding was terminated on the case for absence of administrative offence.

### **With GYLA's Assistance, an individual was granted IDP status**

In the course of administrative proceeding GYLA [REDACTED] Gori office represented J.M. [REDACTED] interests in the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation of Georgia. He lived in the village Dvani of Kareli municipality. On September 2013, Russian military forces erected wire fences in his village and J.M. [REDACTED] house appeared on the territory beyond the control of Georgian authorities. As a result, he was deprived of the opportunity to use his ownership. With assistance of a lawyer from GYLA [REDACTED] Gori office, J.M. applied to the Ministry and claimed IDP status. The foregoing state agency satisfied the claim.

### **Internally displaced person from Abkhazia received allowance**

I.Sh., an IDP from Abkhazia, was detained on the territory of Abkhazia in 2006 and was placed in Drandi prison, where he stayed until August, 2012. In 2007 IDPs [REDACTED] registration was carried out, though I.Sh. failed to go through registration process. Consequently, his IDP allowance was terminated in 2008. After being released from prison, I.Sh. applied to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and claimed compensation for the missed allowance in the period of 2008-2012. His claim was dismissed.

Afterwards, with assistance from GYLA [ ] Tbilisi office, I. Sh. applied to the court and claimed from the Ministry compensation for the missed IDP allowance. The court upheld argumentation of GYLA [ ] lawyer and stated that for being arrested in prison of the occupied territory, he was not able to go through IDPs [ ] registration process. In this condition, court considered illegal termination of IDP [ ] allowance for failure to go through registration and ordered the Ministry to compensate for outstanding allowance for the period of 2008-2012.

**With GYLA [ ] assistance one more labor dispute was resolved in favor of GYLA's beneficiary**

GYLA [ ] Tbilisi office protected A.M. [ ] interests in the civil case against LEPL Archery Federation of Georgia. He occupied one of the high positions in Archery Federation and in addition was a chief archery coach of the national team. He was dismissed from both positions unreasonably. The court partially satisfied his claim, invalidated minutes of board sessions which removed the applicant from the office and the respondent was ordered compensation for the five months' missed salary.