

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Successfully litigated cases in September

With GYLA's help, the ordinance, illegally made by the Adjara Supreme Council were invalidated by the court

GYLA's Adjara branch lawyer has protected the candidate B.G. in the court, who was nominated by the minority of the Adjara Autonomous Republic Supreme Council. The majority of the Supreme Council has illegally rejected the membership of the B.G. at the Public Broadcaster's Adjara TV and radio Advisory Council; instead of the B.G., the Council has appointed the majority nominee. With the help of the GYLA's Adjara office, B.G. has addressed the Batumi City Court with a lawsuit, which was upheld and

as a result, the Council was ordered to nominate B.G. as the member of the Public Broadcaster Adjara TV and radio Advisory Council. The decision of the Batumi City Court remained unchanged by the Cassation Court (highest court of appeal).

With GYLA's help the citizens gained the IDP status

GYLA Gori office was protecting the interests of the L.V. and L.V family members through the administrative litigation at the Ministry of Refugees and Internally Displaced Persons from the Occupied Territories of Georgia. The beneficiaries lived in the village Gugutiantkari of the Gori Municipality. In May 2013, the Russian military has installed metal wire-fences in their villages. Therefore, they are not able to access their property. With the help of GYLA Gori lawyer, the mentioned persons have addressed the Ministry, requesting the IDP status, which was granted by the Ministry.

With GYLA help the criminal prosecution against the citizen of another country has been terminated

GYLA Ozurgeti office was protecting the citizen of Great Britain S.I. at the investigation stage of the criminal case. While crossing the state border of Georgia, the narcotic substance (the drug, containing codeine) was found in S.I. handbag. The criminal prosecution was initiated against S.I. for illegally smuggling the large amount of narcotics in and out of Georgia. With the help of GYLA Ozurgeti office, the evidences were submitted during the investigation phase, which proved that S.I. had those drugs based on the medical prescription for the treatment purposes. Specifically, the evidences included the S.I. health records and the receipt, issued by S.I. doctor. Due to the above, the criminal prosecution against S.I. has been terminated because S.I.'s actions did not include any violation/crime.

With the help of GYLA Ozurgeti office, former public servants have returned to their positions

GYLA Ozurgeti office was protecting the interests of G.Sh. at the court, who was illegally dismissed from the position of the Rtsmunebuli (trustee) of the territorial unit of the Gamgeoba through the May 1 2013 decree of the Ozurgeti Gamgebeli. In the mentioned case the court has invalidated the decree on dismissal of the G.Sh. and the Ozurgeti municipality Gamgeoba was ordered to make a new decision through re-

examination and re-evaluation of the case. The Gamgeoba has conducted an administrative procedure, after which, under the Ozurgeti Municipality Gamgebeli decree, G.Sh. was re-appointed as the Gamgebeli representative in the same administrative unit.

GYLA Ozurgeti office protected the interests of Sh.B. at the court. Sh.B. was dismissed from the position, held at the Gamgeoba structural unit, based on the Lanchkhuti Deputy Gamgebeli decree. The court has invalidated the decree on the dismissal of Sh.B.. Sh.B. has returned to the previously held position and the Lanchkhuti Municipality Gamgeoba was ordered to reimburse three-months salary for the time when the Sh.B. did not attend the work due to the illegal dismissal.

Citizens were reimbursed the salary debt

GYLA [] Gori office was protecting the interests of doctors [] I.S. and N.Sh. at the court. The doctors were working (based on the employment contracts) at the ltd. [] Kareli branch. They have initiated a lawsuit against the employer, in which they requested to reimburse for the salary debt. With GYLA [] assistance, the Khashuri District Court has fully upheld the lawsuit in its March 4/2014 decision. The defendant, ltd. [] was ordered to reimburse the I.S. [] salary debt in the amount of 9 [] GEL, and N.Sh. [] salary debt in the amount of 6 [] GEL. The mentioned court decision remained unchanged by the appellate court.

With GYLA [] help the beneficiary was given a possibility to participate in the competition again

GYLA Ozurgeti office lawyer represented the interests of M.S. at the court. M.S. participated at the competition for the vacant position, announced by the Ministry of Agriculture of Georgia. Under the decision of the competition certification commission of the Ministry, the candidacy of the M.S. was not nominated to the vacant position. With the assistance of the GYLA Ozurgeti office, M.S. addressed the Tbilisi City Court with a lawsuit and requested to invalidate the decision of the competition-certification commission of the Ministry of Agriculture and to conduct the competition anew. The court of the first instance has not satisfied the lawsuit of the M.S., which was appealed at the Tbilisi Appellate Court that upheld the lawsuit and as a result, the Ministry of

Agriculture was ordered to conduct the new competition, starting from the interview phase.

With GYLA ☐ help the person with a disability will be able to receive the inheritance

GYLA Kutaisi branch was protecting the interests of Ts.S. in the court. The Notary has refused to grant Ts.S. the inheritance certificate on the property of Ts.S ☐ deceased mother. The Notary claimed that the factual possession of the inheritance property was not established. With GYLA Kutaisi branch lawyer, Ts.S. addressed the Terjola Magistrate Court and requested to establish the fact of legal significance (the fact of receiving the inheritance). The Court has satisfied Ts.S. ☐ request in its September 30/2014 decision and the person with disability ☐ Ts.S. will be able to receive the inheritance property and to register the ownership with the public registry.

With GYLA's help, one more juvenile was able to establish fatherhood

GYLA Kutaisi branch was protecting the interests of the N.Kh. at the court. N.Kh. and G.D. have been married without registration. The spouse of the N.Kh. has died before they managed to register their marriage. N.Kh. was four-months ☐ pregnant when her spouse died. On March 25/2014 she gave birth to G.G., in whose birth certificate Mother ☐ surname was indicated. With the assistance of the GYLA Kutaisi lawyer, N.Kh. addressed the Kutaisi City Court with a lawsuit and requested the deceased G.D. to be recognized the father of the G.G. The Court has satisfied the lawsuit of the N.Kh. and the juvenile was able to establish the fatherhood of the G.D.

With the court ☐ decision, father was forbidden to obstruct the juvenile child from living in the space, provided by the state for the Internally Displaced Persons (IDPs)

The lawyer of the GYLA Gori office was protecting the interests of the juvenile IDP ☐ N.M. at the court. Father of N.M. ☐ P.M. was obstructing the child from owning and living in the cottage, provided by the state for temporary residence. With the assistance of the GYLA ☐ Gori office, the mother of the juvenile ☐ N.K., as the legal representative, has addressed the Gori district court against the P.M. and requested to stop illegal obstruction. The Court has upheld the lawsuit of the N.K. and P.M. will not

be able to obstruct the child from living in the cottage, provided by the state for the temporary residence.

With GYLA's help, M.K. was not imposed an administrative fine

On September 13, 2014, in Tbilisi, the public union Gardening A were holding a demonstration and were protesting against the construction of the building with seven floors at the corner of the Chovelidze and Gunia streets. During the demonstration, the police patrol has detained one of the members of the demonstration M.K., based on the Article 166 of the Administrative Violations Code (petty hooliganism). Tbilisi City Court has recognized M.K. to be the violator, however, due to the lawyers' request, did not impose an administrative fine.