



## Successful Cases in November

### 1. Beneficiary found not guilty

GYLA's office in Tbilisi represented a defendant in criminal proceedings launched by Tbilisi General Prosecutor's Office in 2011, over misappropriation of funds by

companies that had won tenders announced Tbilisi City Hall and its agencies. B.M. was charged under several articles, including legalization of illegal income, perpetrated as a group, and an attempt of bribing an official.

By November 6, 2015 verdict, Tbilisi City Court found him not guilty.

2. Beneficiary relieved from liability in administrative proceedings instituted over storage of a small amount of dry marijuana.

GYLA's office in Tbilisi represented an individual subjected to administrative proceedings for storage of a small amount of dry marijuana.

Only evidence that the Ministry of Internal Affairs considered was police testimonies; police officers testified that they saw the defendant throwing away a white object, which turned out to be marijuana. GYLA's lawyers proved during the trial that police testimonies lacked credibility and a person should not be found guilty based solely on the testimonies. Tbilisi City Court accepted arguments of GYLA's lawyers and explained that "an individual is recognized as a perpetrator and punished with an administrative penalty based on cumulative evidence proving without a doubt that the defendant committed the violation. All doubts must be resolved in favor of the defendant."

As a result, the court terminated the proceedings for lack of evidence.

3. Beneficiaries relieved from administrative liability

Police patrol officers drew up a protocol of administrative offence against G.P. in October 2015. For the violation committed, G.P.'s driving license was suspended for the period of 6 months. GYLA's office in Telavi helped invalidate the protocol and abolish the administrative punishment.

GYLA's office in Kutaisi represented M.V., who was fined by GEL 250 for driving a vehicle that had been removed from registration.

GYLA's office in Kutaisi helped M.V. appeal the decision in court. Court ruled in his favor and terminated the proceedings for absence of any violation.

4. Beneficiary was able to maintain his property right to a land plot

GYLA's office in Adjara represented P.D. in proceedings following a complaint filed by

the Ministry of Finance and Economy of Adjara A/R in court demanding abolishment of a certificate recognizing his property right to a land plot (the certificate was issued on April 1, 2010). Khelvachauri District Court ruled against P.D. and abolished the certificate. P.D. appealed the decision in Kutaisi Appellate Court. The latter fully upheld opinions of a lawyer from GYLA's office in Adjara and repealed Khelvachauri Court's decision, rejecting the Ministry's complaint.

#### 5. Beneficiary's request for a protective order was granted

GYLA's office in Adjara represented T.M., in proceedings against his husband who systematically subjected her to psychological and physical violence. GYLA's office helped T.M. apply to Batumi City Court for a protecting order. The court fully granted her request and issued a protecting order for the period of three months, prohibiting the offender from approaching and contacting the victim

#### 6. Local Council of Western Georgia to re-examine early release of GYLA's beneficiary

GYLA's office in Kutaisi represented interests of a convict named R.B., whose appeal for early released was rejected by the Local Council of Western Georgia, Ministry of Corrections.

Court invalidated the decision rejecting A.B.'s appeal and ordered the Council to deliver a new decision after studying and examining circumstances of the case.

#### 7. GYLA's office in Kutaisi helped protect interests of persons with disabilities

GYLA's office in Kutaisi represented I.R. in court proceedings. The beneficiary had been undergoing in-patient and outpatient treatments at various mental institutions from 1990 to 2013. By July 23, 2008 decision of Kutaisi City Hall, the apartment where I.R. lived legally was transferred into the ownership of his stepfather for free. By Kutaisi City Court's decision, City Hall's part of the city hall's order was invalidated and the respondent was ordered to compensate I.R. for damage inflicted by alienating the disputed property.

Beneficiary of GYLA's office in Kutaisi, who had a status of a disabled person, had not received a pension for the period of 7 months. With GYLA's help, B.Ch. filed in court. Samtredia District Court ruled in favor of the beneficiary and ordered the respondent to pay B.Ch. the pension that he had not received in 7 months.

#### 8. Beneficiary was restored to work

GYLA's office in Kutaisi represented P.Kh. in court proceedings. By the order of Acting Director of LPL Social Service Agency dated Jan 31, 2015, the beneficiary was dismissed from her job as a correspondence specialist at Imereti Social Service Center.

Kutaisi City Court invalidated the order about dismissal of P.S. and she was restored to work. She was awarded a compensation of GEL 900 for the time she was forced to miss at work.

#### 9. Beneficiaries to receive pension illegally terminated pension

GYLA's office in Kutaisi was representing T.G. and M.Kh. in court proceedings. Their pensions had been wrongfully terminated.

Tbilisi City Court ruled in favor of T.G. and M.Kh. against the respondent Social Service Agency and ordered the agency to pay the pension.

#### 10. Beneficiaries will be able to continue studying at the university

GYLA's office in Adjara provided legal aid to R.K. and M.A., who were admitted to Batumi Sh.Rustaveli State University following admission exams, under September 29, 2014 decision of the University Rector. However, four days after their admission, the Rector terminated their status of a student on grounds that they fell short of the criteria established by Batumi State University. The Appellate Court fully upheld position of the appellants' lawyer from GYLA's office in Adjara, fully granted their appeal and invalidated the decision.

#### 11. A father's guardianship rights were terminated

GYLA's office in Telavi provided legal aid to N.Dz., a grandparent of a minor whose mother was a victim of domestic violence and later murdered by her husband. The father is serving punishment at a correctional facility. Because the child did not want to have any ties, including legal relations with her mother's killer, she could not receive a pension for loss of breadwinner because she did not have a legal guardian. With GYLA's help N.Dz. filed in court and her claim was granted. The court terminated the father's guardianship rights.

**საქართველოს ახალგაზრდა იურისტთა ასოციაცია**  
**GEORGIAN YOUNG LAWYERS' ASSOCIATION**



12. Beneficiary restored to work after he was illegally fired

GYLA's office in Zugdidi represented N.A. who was fired from her job as a procurement specialist under the July 22, 2015 order of the Director of LEPL Zugdidi Sh.Dadiani State Drama Theatre. Zugdidi District Court ruled in favor of the complainant and invalidated the order on dismissal. N.A. was restored to work and was awarded a compensation for the time he was forced to miss at work.