

Image not found or type unknown

## The victims of the railway accident won the dispute with the assistance of GYLA

On the 2<sup>nd</sup> of January 2015, an accident occurred near the village of Marani in Abasha Municipality, during which a passenger train collided with a minibus moving on an unprotected railway crossing. The accident claimed 3 people, while the others received various injuries. GYLA represented the interests of the victims in court.

The conclusion of the expert examination confirmed that the driver of the minibus was not under the influence of alcohol at the time of the accident, and the vehicle was in good operating condition. Nevertheless, the driver of the minibus was charged based on auto-technical expertise. It should be noted that the passengers in the minibus were relatives of each other, thus, the driver, who was in a critical condition with the death of 3 relatives, agreed to sign a plea bargain, as a result of which he was found guilty.

While working on the case, GYLA obtained specific evidence, including photographs taken at the scene, witness testimony, forensic findings, and more, which cast doubt on the correctness of the factual circumstances established by the criminal judgment and indicated the non-observance of safety rules by certain administrative bodies concerning a particular crossing.

Finally, the lawsuit was filed in the Tbilisi City Court against JSC Georgian Railway, Abasha Municipality, the Ministry of Internal Affairs of Georgia, the Ministry of Economy and Sustainable Development of Georgia, and the Roads Department.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



After 4 years of considerations in the Tbilisi City Court, it was confirmed that the respondent administrative bodies, due to improper organization and uncoordinated actions, failed to properly perform the functions assigned to them by law, which resulted in death and health injury.

Tbilisi City Court mainly shared the arguments of the plaintiffs and by the Judgment of October 7, 2021, the defendants JSC Georgian Railway, Ministry of Internal Affairs, and Abasha Municipality City Hall were ordered to pay pecuniary (alimony, medical expenses, funeral expenses) and non-pecuniary damages in favor of the plaintiffs. The decision has not yet entered into force.