

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successful Cases in September

### **A citizen of Nigeria was able to obtain Georgia's residence permit with the help of GYLA**

Beneficiary of legal aid provided by GYLA's office in Tbilisi, a citizen of the Republic of Nigeria S.A.E. had its claim granted in part by the board of administrative cases of Tbilisi City Court. The latter ordered the Agency for the Development of State Services to revisit the issue of providing a residency permit to the applicant. The decision was also upheld by the appellate court and entered its legal force.

Based on the foregoing decision of the court, the Agency conducted administrative proceedings based on which it provided a residency permit to the applicant.

**Beneficiary of GYLA's legal aid, former civil servant of Tskaltubo Sakrebulo Municipality was restored to work and compensated for the forced delay**

GYLA's office in Kutaisi was defending interests of former chief of the office of Tskaltubo Municipality Sakrebulo, L.L., who had been illegally dismissed from his position under the June 18, 2013 order of Sakrebulo Chairperson.

With its September 16, 2013 decision, Kutaisi City Court granted the claim of former chief of Sakrebulo office by deeming the order on dismissal null and void and ordering compensation for the forced delay.

Further, under its September 18, 2013 decision Kutaisi City Court also granted the application of GYLA's lawyer from Kutaisi Office and the decision to annul the order of the applicant's dismissal, restore the applicant to work and compensate for the forced delay was delivered for immediate enforcement.

**GYLA's beneficiary, a civil servant at Tsageri Municipality was restored to work and compensated for forced delay**

Office of GYLA in Kutaisi was defending interests of former trustee of Sairme Community in Tsageri Municipality, N.B. He was illegally dismissed from his office under the August 14, 2013 order of the Municipality Gamgebeli.

Under its October 4, 2013 decision, Tsageri District Court granted N.B.'s claim by deeming the order null and void and ordering to compensate for the forced delay.

The Court also granted the application of GYLA's lawyer from Kutaisi Office and the decision to annul the order of the applicant's dismissal, restore the applicant to work and compensate for the forced delay was delivered for immediate enforcement.

**With the help of GYLA, child alimony was granted**

Lawyer from GYLA's office in Dusheti was litigating in Mtskheta District Court in favour

of M.M. The court granted the applicant's claim by ordering respondent M.B. to pay monthly alimony in favour of his children T.B. and M.B in the amount of GEL 120.

### **GYLA's beneficiary relieved from administrative liability**

Under the July 10, 2013 judgment of Kutaisi City Court, D.K. was found guilty of administrative violation under Article 116 of the Administrative Code of Georgia (petty hooliganism) and ordered to pay GEL 100 (one hundred) laris as a fine. He appealed the judgment with the help of GYLA's office in Kutaisi. With its August 14, 2013 decision the board of administrative cases of the court terminated administrative proceedings brought against D.K. The appellate court fully upheld the position of the defence in that the evidence did not corroborate the charges and terminated the proceedings for absence of administrative offence.

### **Another beneficiary of GYLA's legal aid was granted with the status of IDP**

GYLA's office in Gori was defending interests of Z.V. and members of his family before court, who had been living in the village of Khurvaleti, Gori District. Following the Russian-Georgian war in 2008, Georgia lost control over the part of Khurvaleti Village where Z.V.'s house is located but it does not fall within the boundaries of the territory recognized as occupied by the Georgian authorities; nevertheless, Z.V. and his family are not allowed to go back to the place of their habitual residence. Conditions that Z.V. and his family have found themselves in is identical to that of persons displaced from former South Ossetia and Abkhazia. However, unlike the persons displaced from the occupied territories of Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia did not give them the status of IDP.

Under the Tbilisi Appellate Court's decision the Ministry was ordered to review Z.V.'s application for the status of IDP. The Ministry conducted administrative proceedings and on September 16, 2013, Z.V. and his family members were provided with an IDP certificate. They will now be able to receive social benefits for IDPs.

### **With the help of GYLA, child alimony was granted**

Lawyer from GYLA's office in Gori was litigating in Gori District Court in favour of N.M. The court granted the plaintiff's claim and ordered the respondent, G.K. to pay

monthly alimony for child support in the amount of GEL 100.

### **GYLA's beneficiary was provided with accommodation - an IDP shelter**

Office of GYLA in Gori was defending interests of Zh.O. before court. She used to live in the village of Kurta, Gori District, prior to the 2008 Russian-Georgian war and was registered as a separate household. Tbilisi City Court granted her with the status of an IDP. Zh.O. applied to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and requested accommodation - a shelter. The Ministry rejected her request, saying that according to a certificate provided by Kurta Municipality she had been registered with her grandchildren who had already received pecuniary compensation of USD 10 000 (ten thousand) in GEL equivalent. Therefore, the Ministry believed that Zh.O. had been secured with housing.

With the help of GYLA's office in Gori Zh.O. filed in court, seeking annulment of the foregoing individual administrative-legal act of Kurta Municipality and issuance of a new one. Kurta Municipality granted her claim and issued a certificate confirming that prior to the Russian-Georgian war in August 2008, Zh.O. had been permanently living in the village of Kurta and was registered as a separate household. Consequently, on September 17, 2013, the Ministry of Internally Displaced Persons from the Occupied Territories of Georgia, Accommodation and IDPs provided an accommodation for Zh.O. in Rustavi.

### **Another beneficiary of GYLA relieved from administrative liability**

With the help of GYLA's lawyer from the office in Adjara, proceedings were terminated against D.Sh. under the decision of Batumi City Court. On August 29, 2013, a passenger was taken from Batumi International Airport to the Drug Testing Centre of Adjara A/R main police division and subsequent administrative proceedings were instituted. D.Sh. was stopped by a law enforcement officer in Batumi International Airport and taken to the Centre, where they found that he was under the influence of narcotics substance marijuana and amphetamine (ecstasy).

Notably, D.Sh left the territory of Georgia on August 4, 2013 and spent 25 days in Berlin where he took the noted drug substance, i.e. he did not violate the law on the

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territory of Georgia. The court fully upheld the position of GYLA's lawyer in that the procedure of imposing administrative liability does not apply to the case. Considering that the citizen of Georgia committed administrative violation abroad, and the Code of Administrative Offences of Georgia qualifies taking of narcotic substance without prescription on the territory of Georgia as an offence.

Subsequently, the court terminated the proceedings and found D.Sh. not guilty.