

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Cases Successfully Litigated in May

### **Beneficiaries of GYLA's legal aid were not imposed with administrative liability**

Lawyer from GYLA's office in Tbilisi provided a legal assistance to beneficiaries, as a result of which under the decision of Tbilisi City Court's Board of Administrative cases, the following individuals arrested on May 1, 2013, rally were not imposed with administrative punishment for offences envisaged by the Code of Administrative Offences (petty hooliganism – Article 166, disobedience to lawful orders of the police – Article 173): A.K., L.A., G.G., M.G., G.K., and L.A. Instead, three of them got off with a verbal warning, while administrative proceedings brought against the remaining three were terminated, as no administrative violation was found.

## **Beneficiary of GYLA's legal aid - a victim of political repression to receive a pecuniary compensation**

With the assistance provided by lawyer from GYLA's office in Tbilisi, based on the Law of Georgia On Declaration of Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed, Tbilisi City Court's Board of Administrative Cases ruled on March 29, 2013 to award a pecuniary compensation, GEL 1 1000 to GYLA's beneficiary T.I.

## **GYLA's beneficiary K.M. was able to protect his own rights**

Lawyer from GYLA's office in Tbilisi was defending interests of K.M before court. He had been the owner of a land plot in Tbilisi since 2005, up until 2010 when he learned that self-governing authorities of Tbilisi registered the land plot under their name and auctioned it off.

With GYLA's assistance K.M. applied to court, demanding annulment of the decision registering the land plot as property of the self-governing authorities. Courts of first and second instance rejected his claim. We appealed in the Supreme Court which granted the cassation claim in part, deeming the impugned acts null and void until the issue was resolved. The respondents were ordered to issue a new act on the basis of a comprehensive examination of circumstances of the case, within the period of one month. Further, the court established a very important fact – buyer of the land plot concerned, who had bought the land plot from Tbilisi City Hall, was aware of the conclusion of the contract that someone else owned the land plot before; nevertheless, he concluded the agreement. This rules out presumption of veracity and completeness of entries in the Public Register.

## **GYLA's beneficiary A.K. to receive due compensation from the Social Service Agency**

Lawyer from GYLA's office in Tbilisi provided legal assistance to A.K. who had been working at the Ministry of Defence for years, up until 2011 when he was dismissed for reaching a certain age. Under the law of Georgia on State Compensation and State Academic Stipend he was entitled to a monthly compensation of GEL 174. Instead, he was granted a compensation of GEL 53, due to inaccurate calculations made by the Social Service Agency.

With the help from GYLA's lawyer, A.K. filed an administrative complaint and later a

lawsuit in court against the decision rendered by the Social Service Agency. The lawsuit sought due compensation for A.K. Tbilisi City Court and the Appellate Court rejected the claim; we filed in the Supreme Court which upheld the cassation claim in part. The Supreme Court fully upheld arguments we had presented and annulled the impugned acts, ordering the Agency to examine circumstances of the case and issue a subsequent new act providing compensation as prescribed by law and compensating for the compensation that A.K. was entitled to but never received.

**GYLA provided a legal aid to have birth of an infant was registered anew by using modified data for registration for a closed adoption**

Lawyer from GYLA's office in Kutaisi was defending interests of I.S. and N.G. before court; they had adopted an infant N.S. based on court's decision. They received a certificate of birth of the infant in Kutaisi office of the Agency for the Development of State Services, where foster parents are indicated as parents of an infant. Later, during registration of N.S.'s insurance policy at a medical facility, I.S. and N.G. learned that the infant's personal ID number had not been changed and therefore, the database still listed her biological parents as her parents. Parents decided to change the infant's ID number for a closed adoption.

Kutaisi City Court granted the claim of I.S. and N.G., for deeming an individual-legal act null and void, and ordering taking of an action. In particular, official record of N.S.'s birth was deemed null and void and Kutaisi Office of the Agency for the Development of State Services was ordered to register the infant's birth anew by using modified data for registration, and to indicate her foster parents as her parents in official records of birth.

**GYLA provided a legal aid to have an abuser prohibited from exerting verbal, physical and psychological violence against victim**

Gori District Court granted an application of N.O., victim of domestic violence, for issuing a restraining order. Her interests before court were defended by lawyer from GYLA's office in Gori. At the trial acts of spousal abuse against N.O. were established and the court delivered a decision for issuance of a restraining order against the abuser. The abuser was prohibited from exerting verbal, physical and psychological violence against the victim. With GYLA's assistance, the mother and her children were taken to a shelter for the protection from domestic violence.

### **GYLA's beneficiary, a victim of domestic violence, became a co-owner of property**

Lawyer of GYLA's office in Rustavi was protecting interests of D.K. before court, who had been subjected to verbal, physical and psychological abuse by her son M.K. and her sister-in-law T.I. Acts of violence became even more frequent after D.K. transferred the only apartment that she owned into the ownership of her son as a gift. Rustavi City Court granted the application of the victim of abuse, D.K, for issuing a restraining order and prohibited the abusers from exerting verbal, physical and psychological violence against the victim. Nevertheless, the son and the sister-in-law acted in an ungrateful manner, threatening D.K. to throw her out from home. D.K. filed a complaint in court and citing Article 529 of the Civil Code of Georgia requested annulment of the agreement for gift of real property. Further, before filing a lawsuit, she also filed for impounding of the apartment concerned. The court granted her claim.

During proceedings in Tbilisi Appellate Court, the parties agreed on a settlement. D.K. was recognized as owner of ½ of the apartment concerned.

### **GYLA defended interests of a juvenile before court**

Lawyer of GYLA's office in Adjara was defending interests of a respondent, T.T. before court, who had a child in an unregistered marriage to G.A. Parents filed a joint application for an official record of paternity. However, G.A. was avoiding parenting on a systematic basis. The plaintiff had never impugned paternity, up until T.T. filed in court seeking G.A. to be ordered to pay child support. G.A. filed in court, requesting annulment of paternity in official birth records. Batumi City Court rejected A.G.'s complaint as groundless. As a result, the mother is now able to carry on with the court

dispute seeking that the father be ordered to pay child support.

### **GYLA provided assistance to have the amount of child support increased**

Lawyer from GYLA's office in Telavi was defending interests of an applicant, M.G. who had filed in court to have the amount of child support imposed on the father, V.L. increased. The court agreed that the respondent's income had indeed increased significantly, ordering the latter to pay monthly GEL 220 in child support instead of GEL 80.

### **GYLA provided legal aid to for child support**

Lawyer from GYLA's office in Gori was defending interests of N.O. before Gori District Court for child support. On May 1, 2013, the court ordered respondent G.G. to pay monthly child support for his underage children T.G. and V.G., in the amount of GEL 100 for each.

### **GYLA defended interests of a socially vulnerable person**

Lawyer of GYLA's office in Telavi provided legal aid to a socially vulnerable M.M., imposed with a fine of GEL 200 for driving without a license, under para.1, Article 121 of the Code of Administrative Offences of Georgia. He is registered in the unified database of socially vulnerable families and the ranking score of his family is 32070. Due to harsh material conditions he was unable to pay the fine on time and was therefore imposed with a penalty of GEL 500, further aggravating material conditions of his family. He is unemployed and has seven underage children. His bank account at Cartu Bank, where his government compensation as a victim of natural disaster had been deposited, was impounded.

To take a job as a driver, M.M. decided to apply for a driving license and prepared for a driving test. However, Telavi Office of the Division of MIA's Service Agency in Eastern Georgia did not allow him at the exam and demanded that he pay the fine as well as the penalty in full. With GYLA's assistance he filed an application with MIA's Service Agency, citing Article 121 of the Code of Administrative Offences of Georgia and demanding that he be allowed to take a driving test based on the fact that he had paid fine. He also explained that he was going to pay the penalty in the nearest

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future. N.N.'s application was granted and he was allowed to take a driving test.