



GYLA continues to protect the interests of the victims affected by the June 13th, 2015 natural disaster

The natural disaster which occurred on June 13th, 2015, in Tbilisi has claimed the lives of dozens of people and left many families homeless. GYLA continues to provide legal assistance to those affected by the disaster and protects their rights in court.

On the example of cases which are undertaken by the GYLA, deficiencies have been revealed in the work of government agencies before the onslaught, during and immediately after struck of the natural disaster and it was established that the actions of state agencies were carried out in untimely and ineffective manner.

Below are given the disaster-related cases which are undertaken by the GYLA:

1. On the state liability for the death of a person as a result of a natural disaster

On January 29th, 2020, the Tbilisi Court of Appeals upheld the claim of the family members of the deceased person and ordered the Ministry of Internal Affairs, the

Patrol Police Department, the Emergency Management Agency, and the National Environmental Agency to compensate the family for material and moral damage. Based on the evidence in the case, the court found that the state agencies had all the necessary preconditions to forecast the occurrence of a natural disaster and to take preventive measures as far as possible in their capacity. According to the court, preventive measures, including awareness of the population, may not have been able to prevent a natural disaster but would have clearly reduced the damage.

The Chamber of Appeals emphasizes that the Ministry of Internal Affairs did not perceive adequately the important information provided by the citizen, otherwise the disaster zone would be defined, the situation would be properly analyzed/perceived, which would have been logically followed by blocking the access roads to the disaster zone. Although it was an indisputable and regrettable fact, that the roads have not been blocked. It was due to the lack of qualifications of the administrative bodies, lack of their organization and efficiency, their uncoordinated actions, and failure to properly perform the functions assigned to them by law and failure to set priorities that led to the death of a particular person. The decision of the Court of Appeals was appealed by the defendant administrative bodies to the Court of Cassation.

2. Compensation issuance for loss of housing

GYLA represented five families left homeless as a result of the natural disaster. They occupied plots of land in the disaster zone decades ago and erected houses there. Consequently, they were beneficiaries of the occupied land plots, however, unlike other individuals, they were refused compensation. Tbilisi City Hall's Property Management Agency had been refusing to compensate for the concession of property on the grounds that the plaintiffs resided in the recreation area and the right to ownership of the land could not be acknowledged, therefore, compensation would not be issued.

The Administrative Cases Panel of the Tbilisi City Court considered that compensation could be granted even without acknowledging the right of ownership and fully satisfied the claim. The courts of the higher instance, in spite of appealing the decision of the defendant, left unchanged the decision of the first instance court. Accordingly, the Property Management Agency was instructed to provide compensation to the plaintiffs in order to provide housing. The said decision has entered into force. Thus, based on the court decision, the relevant agreements have

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already been signed with the 4 affected families and they have received compensation. One family still continues court dispute because the administrative body has again refused to reimburse the compensation amount on the entire plot of land owned by them.