

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Successful Cases in December-January

1. With the help of GYLA, a citizen was received pecuniary compensation

With legal aid provided by GYLA's lawyer, Tbilisi City Court's Board of Civil Cases granted the claim of T.L. seeking pecuniary compensation pursuant to the Law of Georgia on the Recognition of Status as a Victim of Political Repression for Georgia Citizens and Social Protection for the Oppressed. The claim was granted in part by court by ordering the Ministry of Finance of Georgia to award T.L. with a combined pecuniary compensation of GEL 500.

2. With GYLA's assistance, a minor was provided with child support

GYLA's lawyer was litigating a civil case on behalf of N.P. in Tbilisi City Court seeking

child support. Eventually, the city court ordered a respondent to pay monthly GEL 400 in favor of a minor in child support, until the child reaches the age of majority. Further, the respondent was also ordered to pay GEL 8400 for child support he failed to provide in the past.

3. Criminal proceedings brought against GYLA's client were terminated

On January 21, 2013, Zugdidi District Court terminated criminal prosecution of a defendant, M.T. charged for the crime envisaged by para.1, Article 236 of the Criminal Code of Georgia (illegal acquisition or storage of firearms).

M.T. was the head of Chokhatauri Youth Organization of the Republican Party and he believed that he had been arrested for his political activities. Based on operative report, police officers collected a fire-arm following a search performed in a storage unit in the defendant's backyard. The search was performed under urgent necessity. Pieces of evidence in the case do not prove illegal acquisition or storage of a fire arm by M.T. He pleaded not guilty.

M.T.'s interests were defended by GYLA's office in Zugdidi. The lawyer submitted authentic evidence proving that the defendant was not guilty. Having examined the pieces of evidence, the district attorney dropped charges and the court terminated criminal proceedings brought against M.T.

4. With GYLA's involvement, court issued a restraining order to protect a victim of domestic violence

On December 31, 2012, Rustavi City Court granted an appeal of a victim of domestic violence, M.T. for a restraining order. Her interests in court were defended by GYLA's lawyer. During the trial it was established that M.T. was subjected to violence by his former spouse. Rustavi City Court decided to issue a restraining order against the perpetrator, prohibiting him from verbal, physical and psychological violence against M.T. as well as approaching her home or contacting her through the phone. The restraining order was issued for the period of five months. The respondent did not appeal the decision of Rustavi City Court and the decision has come into its legal force.

5. GYLA has successfully litigated yet another case brought against Batumi Shota Rustaveli State University

Lawyer of GYLA's office in Adjara was defending interests of A.K. before court. A.K. had been accepted in Shota Rustaveli State University in Batumi; however, due to the deterioration of his financial position he was not able to pay the tuition fee starting from the sophomore year. Therefore, he had to drop out at the beginning of the school year. Although the respondent had not received the service envisaged by contract, the university filed against him seeking payment of the tuition fee. The plaintiff failed to submit evidence confirming that A.K. had studied his sophomore year at the university. Batumi City Court did not uphold the plaintiff's position and rejected its claim for being unfounded and groundless.

6. In the case litigated by GYLA, court ordered that a teacher who had been illegally fired be reinstated to her work as a primary school teacher

GYLA's office in Gori was defendant interests of N.M. before court. The latter used to work as a teacher at Gori Public School N3 and under the order issued by acting school principal she was fired under para.1d, Article 37 of the Labor Code. N.M. believed that her dismissal was illegal and politically motivated as her son shared different political viewpoints.

On December 11, 2012, Tbilisi Appellate Court delivered a judgment granting N.M.'s claim and repealing order of the Principal of Gori Public School N3. N.M. was reinstated to her position as a primary school teacher and she will receive the salary she had to miss. The decision changed previously existing practice; in particular, the Chamber of Appeals ruled that as the dispute involved labor relations regulated by law and derived at an institution of secondary education, it should have been subject to a special rules prescribed by the Law of Georgia on Secondary Education. Thus, the claim was to be examined in light of the Labor Code as well as the special law. An employer had to indicate concrete grounds for dissolution of the agreement, which was not the case.

Under the January 21, 2013 Order of the Principal of Gori Public School N3, N.M. was reinstated to work.

7. Lanchkhuti Municipality Gamgeoba was ordered to take an action in favor of a citizen

Lanchkhuti Municipality Gamgeoba conducted rehabilitation works of drainage collector in the village of Supsa and connected the collector of the village to a drainage pipe on the land-plot of a citizen M.S., without agreeing with the owner first. The drainage pipe was overloaded, got clogged and flooded M.S.'s house. The victim turned to GYLA's office in Ozurgeti for help.

Ozurgeti District Court delivered a decision on August 20, 2012, ordering Lanchkhuti Municipality to take an action – remove the drainage collector from the land property owned by M.S. and direct it to the street. The decision has come into its legal force.