



Successfully Advocated Cases of the Union of Human Rights Defenders – Human Rights Center

November-December, 2024 – January, 2025

Supreme Court of Georgia Ordered the Tbilisi City Hall to Close a “Death Zone” on the Tbilisi Sea and Compensate Moral Harm to the Applicant

On November 20, 2024, the Supreme Court of Georgia granted the cassation lawsuit of the executive director of Human Rights Center Aleko Tskitishvili and ordered the Tbilisi City Hall to install barriers and warning banners in the territory of the so-called waterfall on the Tbilisi City Hall. The City Hall shall also compensate moral harm to the applicant in the amount of 25 000 GEL.

Since 2017, Aleko Tskitishvili had administrative dispute in the court, where he requested to determine the responsibility of the Tbilisi City Hall over the territory where his son drowned in 2017. With the legal aid of Human Rights Center, Tskitishvili appealed the Tbilisi City Court against the Tbilisi City Court and the Water Distribution Company GWP in the end of 2017. Due to threats nearby the so-called waterfall on the Tbilisi Sea, Aleko Tskitishvili requested the Tbilisi City Hall to take preventive measures like installing warning banners forbidding the swimming near the most dangerous site on the Tbilisi Sea and to erect a firm fence around the area.

After almost two years of court dispute, based on the ruling of Judge Natia Buskadze, the Tbilisi City Hall was ordered to install warning banners in the waterfall area and to erect a wall of 2.5 m height along the line of waterfall channel which would be impossible to overmount. The Court did not satisfy the claim of the family to get reimbursement for the moral harm from the Tbilisi City Hall in the amount of 50 000 GEL. Therefore, this part of the court ruling was appealed in the Tbilisi Appellate Court. **On its turn, the Tbilisi City Hall also appealed the judgment of the Tbilisi City Court in the Appellate Court and refused to enforce the judgment claiming that the City Hall is not responsible for the prevention of similar tragedies in the city.**

During the dragged-out proceedings in the Court of Appeals, representative of one of the respondent parties - the GWP - stated that the area was fenced and firm fence of concrete and iron around the area was erected by them “at the request” of Tbilisi City Hall. Following the request of the plaintiff, GWP presented relevant documents to the court. It made clear that the Tbilisi City Hall had really sent the abovementioned request to the GWP and it proved that the respondent practically satisfied the claim which was already ruled so by the first instance court. **With this, the Tbilisi City Hall avoided responsibility and did not implement the court ruling that had precedential power and could affect all similar future disputes against the Tbilisi City Hall.**



On October 27, 2022, the Chamber of Administrative Cases at the Tbilisi Appellate Court with presiding judge Leila Mamulashvili rejected the appeal of HRC Executive Director Aleko Tskitishvili, where he claimed the reimbursement of the moral damage from the Tbilisi City Hall and the water distribution company GWP. At the same time, the Appellate Court annulled another part of the judgment of Administrative Panel of the Tbilisi City Court, in which it instructed the Tbilisi City Hall to install warning banners and to erect fence along the dangerous site. According to the Administrative Chamber of the Appellate Court, since the GWP had already fenced the area and installed warning banners, the subject matter of the dispute no longer existed against the respondent Tbilisi City Hall. As for the reimbursement of the moral damage, the Appellate Court clarified that there is no connection between the absence of safety measures in the area and the tragedy.

Human Rights Center believes that with the October 27, 2022 judgment the Tbilisi Appellate Court groundlessly annulled the decision of the Tbilisi City Court. The organization prepared the cassation lawsuit, with which Aleko Tskitishvili appealed the Supreme Court to annul the judgment of the Appellate Court. The cassation lawsuit stated that the decision of the Chamber of Administrative Cases at the Tbilisi Appellate Court was ungrounded and shameful. If this judgment went into force, it would cause multiple tragedies on water bodies.

On November 20, 2024, the following composition of judges at the Supreme Court of Georgia granted the cassation lawsuit of Aleko Tskitishvili: Chair - Tamar Okropiridze; Judges – Ketevan Tsintsadze and Genadi Makaridze. The Court ordered the Tbilisi City Hall to conduct the action – to arrange barriers and banners near the so-called waterfall and pay 25 000 GEL to the applicant to compensate the moral harm.

The judgment of the Supreme Court is precedential, and in future, judges at common courts of Georgia will refer to this judgment as a case law when examining similar cases in the country.

Court Ordered the Military Hospital to Restore Unlawfully Dismissed Employee to the Working Place

On November 21, 2024, the Supreme Court of Georgia satisfied the cassation lawsuit of T.D. and ordered the LEPL Giorgi Abramishvili Military Hospital of the Ministry of Defense to restore unlawfully dismissed T.D. to the working place. The lawyer of the Union of HRDs- Human Rights Center defended legal interests of T.D. in the court.

T.D. was dismissed from the Military Hospital on January 1, 2022. T.D. believed her dismissal had discriminative grounds and was related with the political views of her husband. Consequently, she appealed the court and requested to order the hospital to annul the dismissal order, to restore her to the working place and reimburse the salary of missed months. The director of the hospital said the applicant was dismissed because her labor contract had expired but in their counter-appeal in the court, the hospital administration noted that T.D. was dismissed in the frame of the



reorganization in the hospital. The courts of first and second instances partly granted the lawsuit of T.D., and held that T.D. was unlawfully dismissed and ordered the hospital to reimburse her missed salaries and pay compensation for losing job. T.D. appealed the decision of the Appellate Court in the Supreme Court and requested to change the decision of the Appellate Court and to order the hospital to restore her to the previous working place.

IDP Woman and Her Three Underage Children Will Get Long-Term Accommodation Based on the Court Ruling

On December 18, 2024, the Tbilisi Appellate Court did not satisfy the appeal of the LEPL Agency of IDPs, Eco-Migrants and Livelihood against IDP T.G and upheld the decision of the Tbilisi City Court, which fully granted the administrative lawsuit of T.G: to annul the order of the director of the Agency and to order the same Agency to issue a new order, based on which IDP T.G. and her three underage children will receive long-term accommodation. The Union of HRDs – Human Rights Center defended legal interests of T.G. in the court.

Court Partly Granted Appeal of the Father

L.Sh, who first appealed the Gurjaani district court in 2022, lives abroad. He requested to determine the rules of relationship with his underage children – to spend concrete days with him, to have unlimited contact via social network and to spend holidays in the father’s family.

The mother of the underage child applied the Gurjaani office of the Union for help. On December 24, 2024 the Court partly granted the appeal of L.Sh and established one Friday and Saturday per month when father can take the child with him after he returns to Georgia. The decision of the Court was acceptable for the mother and did not appeal the judgment.

Kidnappers and Sexual Harasser of a Woman Were Sent to Prison

A woman living in a region of Georgia was kidnapped for the purpose to marriage against her will. One of the kidnappers raped her. The incident happened in July, 2024.

The victim of violence applied to the Union for help and appealed the court.

The Court finished hearing of the case in January 2025. Plea-agreement was signed with all three defendants, upon agreement with the victim – the sexual harasser was sent to prison for 3 years and 6 months; and kidnappers – for 2 years and 6 months.



Parents Agreed to Establish Rules of Relationship with Underage Children

Mother of the underage children applied to the Union of HRDs – Human Rights Center for legal aid, whom the former husband sued in the court and requested to determine rules of relationship with their underage children.

With the legal aid of the lawyer at the Union, the mother submitted counter-appeal to the Court and requested alimony from the former husband.

The dispute ended with agreement – the father was allowed to meet children every second weekend of the month during six months in the territory of the village. After those six months, he will be able to take children to his home. The father was also ordered to pay alimony in the amount of 150 GEL for each child.

Parents Agreed to Determine Place of Residence for Underage Child

Underage, born in 2010, wanted to move to his mother’s place from the father’s house but the parents could not agree; the father appealed the court. The father requested the court to determine his house as residential place for the child. The mother applied to the Union for help. On December 20, 2024 the parties reached agreement and the child will spend weekends with mother in due respect to his desire; also, he will spend half of winter and summer holidays with the mother.

Prosecutor General’s Office of Georgia Was Ordered to Reimburse Harm of the Citizen for Imposing Arbitrary Charge

Lawyer of the Union of HRDs – Human Rights Center defended legal interests of the person, who was convicted under the Articles 118 – Part I, Article 178 – Part I, Part II “a”, Part III “a” and “d” of the Criminal Code of Georgia based on the court judgment of December 5, 2006 and was sentenced to 5-year imprisonment. On April 7, 2021 his charge was re-examined and the Tbilisi Appellate Court ruled that G.B was innocent in the charges brought against him in 2006. The Tbilisi City Court fully granted the claim of the defense lawyer and ordered the Prosecutor General’s Office to pay him the compensation for the harm caused by arbitrary imprisonment in the amount of 5 000 GEL.