

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association Deems Fining of Bidzina Giorgobiani Unlawful

Georgian Young Lawyers' Association responds to fining of Bidzina Giorgobiani by the Chamber of Control's Financial Monitoring Service of Political Parties, deeming it unlawful.

On May 28, 2012, Bidzina Giorgobiani was fined with ten times the amount of an allegedly unlawful donation made by him in favor of the non-entrepreneurial non-

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commercial entity Komagi Foundation . We believe that by doing so the service of the Chamber of Control of Georgia acted beyond the scope of it's the mandate granted under the Organic Law of Georgian on Political Unions of Citizens. The administrative agency's decision to fine Bidzina Giorgobiani is unlawful and unsubstantiated due to the following circumstances:

As early as May 18, 2012, the monitoring service of the Chamber of Control of Georgia contended the Bidzina Giorgobiani was a) a secretary of the Conservative Party of Georgia for foreign affairs; b) and also a member of the political coalition Georgian Dream – Democratic Georgia and c) judging from his public statements, Bidzina Giorgobiani was closely linked to the plans of the Georgian Dream . According to the comments made on the very same day, the monitoring service of the Chamber decided on May 18, 2012, to seize the accounts of a charity foundation Komagi, monitor financial activities of the foundation and take administrative measures , essentially meaning that on May 18, 2012, the monitoring service decided to deem the international charity organization Komagi Foundation as a subject of monitoring envisaged in Article 261 of the Organic Law of Georgia on Political Unions of Citizens due to its public statements and publicly declared objectives. It meant that prohibitions for political parties now applied to Komagi Foundation.

It is peculiar that Bidzina Giorgobiani does not reject political nature of the transaction made and declares that he is neither a secretary for international affairs of the Conservative Party or a member of the coalition Georgian Dream – Democratic Georgia.

Giorgobiani explains that he is not a citizen of Georgia and therefore, he is not registered as a member of any political party in Georgia.

Further, according to the monitoring service, Bidzina Giorgobiani made the donation on May 10, 2012 , whereas the decision to seize accounts of Komagi Foundation and monitor its financial activities was made by the service only on May 18, 2012 . Therefore, the monitoring service must first prove that as early as May 10, 2012, Bidzina Giorgobiani was aware that Komagi Foundation was deemed as a subject of monitoring and consequently, was subject to prohibitions that apply to political parties. The monitoring service made its first public statement about the goals for establishing Komagi Foundation and its activities only on May 14, 2012 . Therefore, Bidzina Giorgobiani could not have known that on May 10, 2012, he was violating the

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organic law of Georgia on Political Unions of Citizens. In this light, we believe that the decision to fine Bidzina Giorgobiani has been made in violation of law.