

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of GYLA on Activities of the Georgia - Not for Sale

On July 10, 2012 a [non-profit legal entity Georgia - Not For Sale](#) was registered. According to its the [Facebook page](#):

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*“The goal of the organization is to provide public with comprehensive information about Bidzina Ivanishvili’s political activities, help separate oligarchic money from healthy political processes to prevent misleading of the society and discourage vote-buying. To this end, Georgia - Not For Sale plans to launch a large-scale public outreach campaign online, as well as through television and other means of media. **Having certain political goals, Georgia - Not For Sale has applied to the State Audit Agency with a letter inviting it to conduct financial monitoring of the organization.**”*

According to the Organic Law of Georgia on Political Unions of Citizens, party regulations also apply to an entity which has declared political goals and uses financial and other material resources to achieve these goals. According to the statements released by Georgia - Not For Sale, it has no election goals but may have certain political goals which are differentiated from electoral goals under the Georgian legislation. In order for an entity to be recognized as equal to a party it should have election goals. As of today, reports don’t confirm that the organization Georgia - Not For Sale has any election goals (participation in the elections and the desire to win).

Under the circumstances, it comes as a surprise that the organization has applied to the State Audit Agency to be recognized as an entity envisaged by Article 261. It may have to do with its aspiration to pursue activities that would otherwise be restricted. Specifically, under the Georgian legislation utilization of financial resources against a party is subject to the same restrictions applicable to donations made in favor of a party. The action carried out by a legal person is illegal and punishable by five times the amount spent.

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In media interviews ([Netgazeti](#), [Maestro](#)), Chairman of Georgia – Not For Sale Giga Nasaridze explained that the organization produced an [TV advertisement](#) against a concrete political subject and had it aired on Rustavi 2 and Iemdi TV. “We are now in talks with Maestro TV, Channel 9 and Kavkazia too,” he said. We believe that pursuant to Paragraph 2 (secunda) of Article 25 of the Organic Law of Georgia on Political Unions of Citizens, the ads aired on TV amount to a donation made by a legal person in the amount of funds spent on production/placement of ads. Pursuant to the amendments made to the Georgian legislation in 2011, legal persons are prohibited from making donations. Violation of the requirement is subject to a fine five times the amount of illegal donation.

We believe that since Georgia – Not for Sale reports having no election goals, the State Audit Agency should not grant it with the status envisaged by Article 261 but rather, it should consider fining the organization for making the illegal donation.