

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association Considers that the Decision to Impound Studio Maestro LLC's Satellite Dish Antennas was Illegal



GYLA's Georgian Media Legal Defense Center will hold a press conference on

July 31, 2011, on impounding of satellite dish antennas of Studio Maestro LLC.

We believe that the decision to impound satellite dish antennas of Studio Maestro was illegal due to the following circumstances:

- Court rulings on impounding Maestro's property are unjustified and contradictory; Not only the court does not describe and evaluate any evidence, but it does not make a mention of any of them at all. The ruling provides scant theoretical and hypothetical considerations about possible vote-buying by Studio Maestro. The judge, on the one hand, refers to para.3 of article 151 of the Criminal Procedure Code, but, on the other hand, in justification part of the ruling it says that the property was impounded for a possible vote buying, which is an offence against para.2 of the Article
- The norm of the Criminal Procedure Code cited by the court is unforeseeable. Specifically, para.3 of Article 151 of the Code provides for an opportunity to impound corruption related property. However, the Georgian legislation does not recognize definition of corruption; further, the court fails to substantiate in its rulings why the property of Maestro is related to corruption;
- Maestro's right to defense was violated. Since it is not a party to a criminal proceedings, under the Criminal Procedure Code of Georgia it does not have the right to receive of review case materials. Therefore, it is unaware of materials that served as grounds for the court's rulings; whether the evidence is counterfeit, illegally obtained, etc.
- Impounding of property based on unsubstantiated decisions of court amounts to illegal interference with Maestro's property right. Further, it creates an ongoing threat of curtailing Studio Maestro LLC's property right. Under the Criminal Procedure Code, a property is impounded until the verdict becomes enforceable, until termination of criminal persecution and/or investigation; whereas investigation into the offence envisaged by Article 1641 may continue for a reasonable period of time but no less than 6 years. It means that Maestro's property can be impounded for as long as 6 years during the investigation.
- According to the information that we have, in investigation launched on June 20,

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2012, into the fact of vote buying suspects have not yet been identified; however, in frames of the investigation satellite dish antennas and other technical equipment of two companies - Global Contact Consulting LLC and Studio Maestro LLC - have already been impounded. It is further noteworthy that Maestro similar to the Global Contact Consulting does not have a legal status in the ongoing criminal proceedings, meaning that they are not allowed to receive information about the process of investigation. Lawyers of Global Contact Consulting have already been officially refused by the investigating authorities to be provided with materials of the case.

The court's ruling on impounding Maestro's satellite dish antennas contradicts the Georgian legislation, grossly violates freedom of expression and has an extremely negative effect on media and, in general, on pre-election environment in Georgia