



საქართველოს
ახალგაზრდა
იურისტთა
ასოციაცია



ISFED

სამართლიანი არჩევნებისა
და დემოკრატიის სამართაშორისო
საზოგადოება

განცხადება

**საია და „სამართლიანი
არჩევნები“ მიიჩნევენ, რომ
ანტიკორუფციული ბიუროს
გადაწყვეტილება უკანონოა**

GYLA and ISFED consider the decision of the Anti-Corruption Bureau to be unlawful

The Georgian Young Lawyers Association (GYLA) and the International Society for Fair Elections and Democracy (ISFED) express their views on the Anti-Corruption Bureau's decision made on September 24 to declare Transparency International Georgia and its Executive Director, Eka Gigauri, as well as the organization Choose Europe, its director Khatuna Lagazidze and co-founders, as entities with "a declared electoral goal."

GYLA and ISFED consider the Anti-Corruption Bureau's decision to be unlawful since it does not align with the definition of the concept of a person with a declared electoral goal as outlined in the Law of Georgia "On Political Associations of Citizens." Furthermore, this interpretation of the law establishes a dangerous precedent for it to be used to disproportionately restrict freedom of speech and expression.

The mandate of the Anti-Corruption Bureau includes monitoring of the financial activities of citizens political associations (political parties), electoral subjects, and persons with a declared electoral goal, as well as implementing other appropriate activities related to this area.¹ According to the Law of Georgia "On Political Associations of Citizens," the restrictions imposed on a party also apply to any person who has **self-declared** electoral goals and utilizes financial and other material resources to **achieve** goals. A declared electoral goal refers to the factual circumstance **in which** a specific person **intention to attain public authority through participation in elections** is evident. This declaration must be made **publicly** and be directed towards the formation of public opinion.²

The Anti-Corruption Bureau is authorized to extend the restrictions established by the Organic Law of Georgia "On Political Associations of Citizens" to other persons within the scope of monitoring only if such preconditions exist.

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By its decision of September 24, the Anti-Corruption Bureau interpreted the standard established by the legislation in a manner unjustifiably broad and inconsistent with the law, relying on the unreasonable [REDACTED] by the Tbilisi Court of Appeals just days earlier which determined that the work of the organization Choose Europe fell under the definition of "a declared electoral goal." Notably, the court did not [REDACTED] the issue of the organization's declaration to attain public authority through participation in elections in its decision, which is a crucial element for classifying it as an entity with a "declared electoral goal."

According to GYLA and ISFED, the arbitrary and incorrect interpretation by the Anti-Corruption Bureau and the Tbilisi Court of Appeals of the concept of "a declared electoral goal," as clearly established in Georgian legislation, may serve as a tool for [REDACTED] restricting the activities of civil movements (civil activism) and freedom of expression.

Moreover, [REDACTED] [REDACTED] Transparency International Georgia is one of the [REDACTED] local observation organizations registered for the parliamentary elections, the unjustified decision made by the Anti-Corruption Bureau may be perceived as a disruption to the election observation process. Such actions by a state agency [REDACTED] represent [REDACTED] arbitrary use of its mandate and pose a significant risk of reducing trust in the institution.

GYLA and ISFED call on the Anti-Corruption Bureau to revoke the aforementioned decisions, cease the arbitrary [REDACTED] [REDACTED] the law, and operate within its established mandate.

1 Article 2015, first paragraph, subparagraph "h" of the Law of Georgia "on Fight against Corruption".

2 Articles 71 and 261 of the Organic Law of Georgia "On Political Associations of Citizens."