

Putinization of Georgia: Georgian Media after the Rose Revolution

Media in Georgia
2003-2007

The Human Rights Centre (HRIDC) is a non-governmental human rights organization, without any political or religious affiliations. The purpose of HRIDC is to increase respect for human rights and fundamental freedoms in Georgia, as well as to contribute to the democratic development of the country.

HRIDC implements projects to ensure compliance with human rights laws and standards. We cooperate with international organizations and local organizations which also share our view that respect for human rights is a precondition for sustaining democracy and peace in Georgia.

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Why is Georgian media freedom at danger?

I consider that that the Georgian media is in danger and it is everybody's fault. Collectively Georgian society chose not to react to the shooting incident at house of Luba Eliashvili, journalist of TV Company Iberia in November, 2003. Georgian society sat back and chose not to say anything when TV Company Iberia was raided by Special Forces, Moreover, we as Georgians sat back and said nothing when Prime Minister Zhvania sued Tavisupali Gazeti (Free Newspaper) with the demand 5 thousand GEL in compensation for damage to his character.

Rather we preferred to say nothing when the government imposed restrictions on movement for journalists in the State Chancellery in 2004. We thought that it was insignificant that political talk shows (Gamis Mzera, Gamis Kronika, etc) and other TV programs were suddenly shut down, and it came unexpectedly out of blue. Some organizations, including Human Rights Center tried to publicize the problem but journalists preferred to remain silent. They tried to justify the closure of their programs by saying that it was decisions taken by the owners of the channels on their own prerogative. Still we said nothing about the so-called "self-censorship."

Self-censorship is a term that was invented by the government and some media outlets. In actual practice self censorship is another way of saying real censorship in a more politically correct way. Nonetheless still remained silent when TV Company Metskhre Arkhi (Ninth Channel) was taken off the air (it must be highlighted that few days before the suspension, Metskhre Arkhi gained license to broadcast for entire region of Georgia).

The society was still inert when Akaki Bobokhidze, Governor of Imereti Region hit Irakli Imnaishvili, journalist during a live broadcasted program. Again we stood in silence when the activists of the National Movement and Kakheti regional police harassed journalists in the regional town of Signagi in East Georgia.

It is unfortunate that the arrest of Shalva Ramishvili, TV anchor of TV-company 202, was not properly evaluated by greater Georgian society. We chose not to react to the words of Vano Merabishvili, Minister of Internal Affairs over the arrest of Shalva Ramishvili. The minister said that "this was only the beginning of a series of raids on Georgian journalists." However, in actually he only heralded intentions for an organized program of mass harassment of journalists. Again the people stood by and proclaimed, "let the government do its job, let's wait and we shall how things will improve to the better." When TV-202 was suspended, people were saying that Saakashvili's government was immature and its naïve mistakes were justified by its lack of maturity. The majority of people thought that the government would soon realize its mistake and make amends.

Society is still waiting. In the meantime, however, the process of the redistribution of shares in government related channels remained an activity beyond the interest and privy of society. It is interesting to note that some journalists have actually been harassed while others may have pretended to be under pressure by the government. Regardless of the overall ledger of guilt or innocence, there is justification for the media to politically organize in protecting their interests and the integrity of their profession. All what is transpiring in Georgia is outside of the realm of law and the goals of an open civil society. What the government has done to suppress basic freedoms is totally unacceptable to the Human Rights Center.

The majority of Georgian journalists preferred to remain silent unless others loudly vocalized the problems facing the Georgian media. Even TV Company Imedi preferred to turn a blind eye to many of the government's shortcomings in the beginning. It was not until the interests of Badri Patarkatsishvili, owner of Imedi clashed with the interests of high ranking governmental officials in February, 2006 that the tide started to change. Since then the journalists of TV-Imedi have brought to public light the crimes of governmental authorities. Consequently, Georgian society found out that high ranking governmental officials and law enforcer agencies had murdered innocent people such as the cases of Sandro Girgvliani, Buta Robakidze and others, many who are still nameless and easily forgotten.

Badri Patarkatsishvili was using TV Imedi as a bridge of his political and economic activities. When the oligarch had good relations with President Saakashvili he and his team demanded employed journalists to be loyal to Saakashvili's government. However, when the relationship soured between the Oligarch and the government, Imedi journalists became ever much more critical to the activities of the government. Consequently, the government raided Imedi on November 7, 2007. During the state of emergency all of Georgian society was under the impression that they were again living in Soviet Union. Information was controlled and people were in fear of speaking out. The only source of information was Georgian Public Television, First Channel Radio, The Voice of America and Radio Liberty. Fortunately, however, in November 2007 we still had access to the Internet as an alternative to the above-mentioned media sources.

Though the state of emergency was lifted long time ago, we still feel its phantom in the society, especially in media.

I think that Georgian media is in a serious crisis; moreover, the free media is withering away.

The media in the regions of Georgia is in a very difficult situation. It lacks proper equipment and does not have enough professionals. Nobody underscores these problems. All media owners prefer to have good relationships with the government in order to have fewer problems. The journalists that are financed by international donors/organisations are more impartial (for example, Radio Liberty).

The Georgian government is trying to press Georgian media by not subscribing newspapers for the Parliament and other state bodies. Consequently; Georgian press business is in a financial and moral crisis. The press does not enjoy any special tax privileges. There is now a ban on the selling of newspapers in the city center of Tbilisi, which is also a form of pressure on the media.

The first signs of internet censorship appeared in 2007.

Moreover, the journalists (for example, Gela Mtvlishvili, Saba Tsitsilashvili, etc) were physically assaulted by regional governmental representatives and law enforcers. It is unclear why international donors have stopped funding investigative journalism.

The criminal case against TV-company Iberia has been resolved to the benefit of the station but in spite of the results of the court proceedings, showing that adequate grounds did not exist for lack of evidence (Iberia was shut down by the government in spring, 2004). However, nobody has been legally held accountable for having made false charges in the first place.

Georgian society as well as Georgian media must assume its share of responsibility: Georgian media must publicize the crimes and misconducts of the government. All effort must be made to inform and protect society and in such a way that it will be able appropriately reaction to various challenges.

Ucha Nanuashvili,

Executive Director

HRIDC

Introduction

Since independence, the Georgian media has not been as restricted as today, at the 4 year anniversary of the Rose Revolution. Many Georgian journalists feel the same on that issue. Many of them have left the field of their activities out of a feeling of protest. Some of them went abroad and some of them continued their career in a more peaceful sphere. The post-revolutionary expectation on enhancing and protecting democratic values was so huge that the Georgian media granted time and opportunity to the new government.

But this concession reflected negatively on the freedom of the press in Georgia. Self-censorship of Georgian journalists has continued for too long and when they do have a desire to criticize the government and play the role of objective media, it is a hard job to do. It became difficult to prove facts by argumentation because the government cut all the ways to the regional and central media to gain any information by imposing financial sanctions, forbidding to investigate trials and the doors of governmental structures have become closed for the journalists. So the journalists were unable to discover any facts compromising the government during these years.

Almost all governmental structures have blocked access for journalists, even those which were accessible during the previous Shevardnadze government. Journalists have lost their opportunity to get public information. Physical abuse and insults directed at journalists became very frequent. Leading talk-shows have been taken off the air and one of the most famous television journalists was beaten by a governmental official on live television. This official broke his nose, but the official remains in his job. All the law enforcement structures have become unavailable for journalists. The government refuses to take part in television debates. Journalistic investigations have decreased in number. As for the regional journalists, their job has become a struggle for them.

The Human Rights Centre represents a media report which completely reflects the situation in Georgia which developed after the Rose Revolution. The report touches upon existing problems in the media throughout the entire country as well. It highlights the pressure journalists are under nowadays.

To make the current situation clear, we have decided to single out the pressure exerted in the regions after the Rose Revolution; the closing of offices, the beating of journalists and imposing financial sanctions – these are only a few examples.

Legal Assessment

Media legislative framework - changes carried out since the “Rose Revolution”

Despite the unfriendly legislative framework during the Shevardnadze period, the right to freedom of expression was more or less respected. For the most part, the government did not interfere unduly with the media. There were sporadic attacks on independent journalists, and independent media outlets continued to face severe economic pressures. However, the media reflected a wide range of political viewpoints.¹ Some of the major changes that Saakashvili’s government undertook in order to secure the freedom of expression in general and rights of the representatives in particular include:

- The adoption of the Law On Broadcasting in 2004, and commencing reforms in the field of public broadcasting;
- The adoption of an advanced press law, the Law On Freedom of Speech and Expression in 2004;
- The abolishment of defamation as a criminal offence in 2004;
- Further improvement of a comprehensive freedom of expression law (Chapter III of the General Administrative Code);
- Interim liberalization of the tax regime to include tax benefits for the print media; and
- The adoption of professional standards for the media, signed by numerous major print and electronic media.²

These changes were meant to improve the free generation and exchange of ideas and to strengthen the level of independence of media as well as of activities of professionals in charge. However, expected results did not take place and journalists are experiencing significant difficulties. These problems, that do not always stem from the legal framework, can be categorized as follows: problems related to the ownership of broadcasting companies by government allied individuals; the government uses its influence with owners of major private television channels, except Imedi TV, to control the content of their programmes. These owners are either relatives of government officials or keep close ties with the government to secure their business interests. They directly control the media content, giving little editorial independence to staff and sometimes censor programmes that are critical of the government.³ The government has reportedly used financial pressure to control the media, giving a reprieve from tax debts to those outlets it perceives as pro-government and dispatching tax inspectors to those it perceives as overly critical.⁴ Journalists, nevertheless, are reluctant to speak publicly about interference or pressure to influence the content of their work. There are reportedly few protections against unfair dismissal, and journalists are rarely willing to risk their positions by speaking publicly.⁵ Moreover, the introduction of various procedural bans to get information promptly from first sources is another factor hampering the effective work of the media. Finally, the taking off the air of two television companies: Imedi TV and Caucasia on November 7, 2007 represents an unprecedented measure of control of free broadcasting rights. Taking this background into account, the question of adequacy of the legislative framework needs to be measured.

¹ Agenda for reform: Human Rights Priorities after the Georgian Revolution, A Human Rights Watch Briefing Paper, February 24, 2004.

² Under Lock and Key, Freedom of Information and the Media in Armenia, Azerbaijan and Georgia, 2005.

³ Georgia and European Neighborhood Policy, Human Rights Watch Briefing Paper, 15 June, 2005.

⁴ Ibid.

⁵ Ibid.

The most important law regulating the free exercise of the right to freedom of expression and to some extent the activities of the media, is the new Law on Freedom of Speech and Expression. The elaboration of this law was done by the Liberty Institute and it dates back to before the “Rose Revolution”. The law institutes a number of innovations bringing the Georgian legislative regime regarding the freedom of expression in line with modern western democratic standards. According to the new law, defamation is decriminalized. The burden of proof is reversed – the plaintiff is to prove the truthfulness of information disseminated about him. The law draws a clear line between facts and opinions – opinions and value judgments defended by the absolute privilege. The notion of a public figure is defined. Political debates are guaranteed and promoted by the law. In case of a court dispute related to the alleged defamation published by a journalist in the media, the media company will be considered the defendant in the case, not the journalist as a private person; Moreover, the law provides absolute protection of professional secrets and the sources of information. In particular, according to article 11 (1) of the law the following information is protected: information disclosed in confidence to journalists {.....} as well as information that has become known to a person during the performance of his or her professional duty and disclosure of which would cause damage to the professional reputation of that person. The absolute protection conferred means that no person may ever be compelled to disclose the source of such information, no matter how important the countervailing interest.⁶ A positive development since the enactment of the Law on Freedom of Speech and Expression is the elimination of the practice when public figures were going to the courts demanding compensation and retraction of the information disseminated by the media. Overall, the law is assessed as one of the most progressive media laws in the world, incorporating some of the best practices from around the world.⁷ Nevertheless, as problems experienced by media in practice demonstrate, the given law is not sufficient for securing the proper exercise of their duties by representatives of media.

The Broadcasting Code of Conduct, the adoption of which was contemplated by the Georgian Law on Broadcasting, which determines the rules of conduct by license holders, is also meant to guarantee the proper functioning of media, among other things. It is apparent from the Law on Broadcasting that the Code of Conduct will be a legally binding instrument. It is described as a ‘normative act’ and the Georgian National Communications Commission will be empowered to impose sanctions for its breach. Its binding nature means that the Code will have the effect of restricting broadcasters’ right to freedom of expression in significant ways; the many detailed provisions are likely to have a bearing on virtually every programme produced in the future, constraining editors’ choice of how to gather and present information and opinions. “Article 19” advises every provision be screened for its compatibility with the internationally protected right to freedom of expression.

On the whole, media legislation needs further improvements in order to guarantee a higher degree of independence for media representatives. In addition, measures for the editorial independence need to also be strengthened.

⁶ Guide to the Law of Georgia on Freedom of Speech and Expression, Article 19, April, 2005.

⁷ Under Lock and Key, Freedom of Information and the Media in Armenia, Azerbaijan and Georgia, 2005.

Central Media

The central media is a distinct example of developed events. Georgian journalism was in trouble which became obvious when some political talk shows, newspapers and even television companies were closed. The restriction of media was going in velvety way. Meanwhile, according to a survey conducted by Reporters without Borders, which ascertains the index of media freedom all over the world, Georgia moved from place 77 to 99 in 2005. Now, we can observe the developments in the current central media.

When we think of the central media during the last four years, we will see that the methods of oppression are little bit different from the methods used to put pressure on the regional press. The main method of the media oppression in the capital has been economic sanctions, as well as the confiscation and closure of media offices.

But the pressure on the independent media and journalists reached its peak in November of 2007 when three television companies - Imedi TV, Channel 25 and Caucasia - were taken off the air and all television companies, besides Public Broadcasting, were prohibited to broadcast news as a result of the state of emergency. On November 7th, after the dispersal of the peaceful demonstration, several dozens of journalists were taken to hospitals because of physical injuries. However, if we consider the ongoing processes since 2004, we should not be surprised over these events. Television debates slowly disappeared after the Rose Revolution. Journalists were physically assaulted in open air by governmental officials. In reality, journalists had no access to state bodies; the press departments became so sluggish that they could not even answer the simplest questions and they were asking for 10 days for the official letters. These materials will show the state of the Georgian media after the revolution which began with a demand for the protection of free speech.

Media Freedom Index Continues to Drop⁸

“Reporters without Frontiers” published the results of their survey conducted in 2005. The survey, which assessed 167 countries, showed that the media freedom index in Georgia is still deteriorating. From 2003 onwards, Georgia dropped from the 73rd place to the 94th and then in 2005 to the 99th place.

Shutting down popular programmes, television stations, and newspapers is almost becoming a routine affair in post-revolutionary Georgia. After the Rose Revolution, the Georgian population said good-bye to several political talk shows and debate programmes including, “Gamis Kurieri” (“Night Courier”), “Theme”, “Gamis Mzera” (“Night Sight”), “Archevanis Zgvarze” (“At the Edge of Choice”), etc. The decline in programmes was followed by the liquidation of several television stations themselves. Eventually, the Georgian government started harassing journalists. The co-founder of television company “202”, Ramishvili is imprisoned; several journalists, who did not want to lose their independence, lost their jobs. This practice also spread to the print media. The “Main Newspaper”, “Morning Newspaper”, “New Epoch”, and “Tribune” were closed down. “Georgian Times” was accused of non-payment of taxes and being involved in financial machinations.

⁸ News of HRIDC online magazine: www.humanrights.ge.

All of this shows that post-revolutionary Georgia is trying to pressurize the media. The owners of media organizations prefer to follow the “recommendations” of the government, rather than being imprisoned. Meanwhile, international organizations objectively observe all the processes taking place in our country. The objective “law-court” which estimates the current events of our country passes a not so enviable sentence; Georgia steps back to the 99th place and moves further away from the prospect of democratic development.

In 2006, Reporters without Borders ranked Georgia at place 89 of 168 in the worldwide press freedom index. On May 19th 2006, the Ombudsman of Georgia presented the Human Rights and Civil Integration Committee within the Parliament of Georgia with a report on the human rights situation in Georgia. A special chapter focused on the freedom of expression. It states that journalists are not independent and because of the fear of losing their jobs, journalists have to follow the instructions of the authorities.

In 2007, Reporters without Borders issued her sixth annual report about the conditions of free press in several countries. Surprisingly, Georgia took the 66th place among 169 countries, in comparison to previous years Georgia improved her position with 23 places.

Despite this seeming progression, the free press in Georgia is actually under pressure from the government, which is clearly shown by recent events. Journalists do not want to lose their professional freedom and therefore they are leaving their jobs. Representatives of the government kindled a disagreement between journalists of leading television companies. Newspapers are shutting down and circulation of news is becoming more difficult.

It is worth mentioning that before January 1, 2007 media did not pay any Value Added Tax (VAT) and property taxes. The benefits gained from advertisements and the bank accounts of the newspaper were not subject to tax collection. But from January 1st 2007, all these privileges were abolished. The existence of many newspapers was at serious risk due to the amendments of the Tax Code.

The Human Rights Centre (HRIDC) tried to gather the views of well-known journalists on Georgia's improved position in the press freedom index:

Inga Grigolia, a TV journalist: “Nowadays, the press is really free in Georgia. Of course the press will be free, because our President publicly announces that he is not reading the newspapers and what does his announcement mean? You can write and read whatever you want; it does not have any importance for the government. When the government openly and mockingly accuses journalists of a television company of paying money to a farmer from Kakheti to close down his vineyard, I do not have any comments about this. As a rule, the government refuses to appear on debates, but they are participating in discussions on television which are aired by television companies the government controls. Today I am free and I say loudly whatever I wish. But it would be better if the government would sometimes read the newspapers and hear the different views about their activities.”

Lasha Tugushi, the editor of newspaper “Resonance ”: “It is perfect that we are improving our position in the rating of international organizations. It is obvious though that we have serious problems in Georgia and in my opinion we have to solve them in due time. Unfortunately, the government interferes quite often in the activities of television companies. They try to force television companies to follow their instructions and transform them into a propaganda tool. The government often accuses journalists of bribing people and paying money to prepare scandalous reports etc. In my opinion, the local government of Tbilisi has made a mistake when they decreased the number of newsstands on the main streets, in particular from Freedom Square to Vake Park. I

cannot understand why they did so. Reporters without Borders are a quite prominent international organization. I hope they have good reasons for putting Georgia in 66th position, but I do not know what criterion they used during the selection process.”

Rusudan Gigashvili, former editor of newspaper “New Version” (this paper is out of business): “In the last year, too many newspapers have gone out of business. Why do you think we shut down our newspaper “New Version”? We were forced to make that decision and we had objective reasons for it. The situation regarding the freedom of press in our region is difficult and complicated. The journalists are under inhuman pressure and they are sometimes the victim of physical abuse. Everyday it was difficult to receive information, so I cannot understand how we managed.”

Experts declare that the freest country with regards to the freedom of press is Iceland. Norway, Estonia, Slovenia, Belgium, Finland. Sweden, Ireland and Portugal follow. Eritrea holds the last position, which replaced North Korea.

The authors of the report put Russia in the 144th place, because of Anna Politkovskaia’s brutal killing and similar cases which have not yet been investigated.

A very interesting paradox: the President of Georgia publicly stated that he does not read newspapers, which can be understood to mean that he does not care what the journalists write or read. Therefore, we can conclude that Reporters without Borders have made a mistake, Georgia should be in 1st place instead of 66th as our The “Boss” does not read our “creations”. Consequently, we are the freest journalists in the world.⁹

Terrorizing Media - cases in which broadcasting was shut down in broadcasting companies and television programmes.

Shutting down television stations, television debates and political talk shows has become more frequent in the past four years. We tried to gather information about the developments during the last four years in this regard and present them to you.

Georgian Government Continues to Terrorize Media

13.09.05. The Georgian government is spreading its chains across the independent media. The most steadfast face of Georgian media, host of TV show “Debates on 202”, Shalva Ramishvili, spent his birthday in prison. On the 29th of August, part of Georgian society mourned about the death of free media. The general director of Television company “202”, David Kokhraidze, and one of the founders of the company and famous anchor Shalva Ramishvili were detained. The City Court, after having discussed the criminal cases, sentenced the accused to 3 months of imprisonment. The decision of the court remained the same even after appeal.

Ramishvili and Kokhraidze were arrested on August 27 on a bribe charge. Police says that Koba Bekauri offered Ramishvili 100 000 US Dollars for not showing a documentary film containing evidence of illegal activities of the politician. The film was prepared by the studio “Reporter”. A

⁹ Information available on: www.humanrights.ge.

friend of Ramishvili, Irma Stepnadze, called him in Kobuleti and told that Bekauri wanted to meet the journalist. After returning to Tbilisi, Ramishvili discovered that Bekauri wanted to pay 100 thousand US dollars for the film, the journalist decided to use this fact as an opportunity to make the position brought forward in the documentary, more credible. Ramishvili though, did not have the possibility to use a hidden camera at the meeting with Bekauri, so he asked the latter to transfer half of the money to his account at the Basis Bank. He hoped to meet the politician again, so he would be prepared and equipped with hidden cameras.

However, things went differently than Ramishvili expected. Shortly before the meeting, Stepnadze called the journalist and told him that the meeting would take place in Ramishvili's apartment rather than at the Basis Bank. The journalist was afraid that Bekauri would not pay the promised amount of money and went for a compromise to meet the politician at his place. Ramishvili was arrested in his own house, while he was taking money from Bekauri.

Ramishvili's lawyer Gocha Svanadze says that the court is trying to establish whether Ramishvili and Kokhreidze have to stay in prison, instead of addressing the one who is truly guilty. The lawyer is accusing the government of ignoring the presumption of innocence. Gocha Svanadze stated: "They try to cheat the public by showing materials that prove Ramishvili's and Kokhreidze's guilt. Every member of the Ministry of the Interior, who took part in this PR game, should be held responsible for this fraud."

Letter of Shalva Ramishvili, the co-founder of TV "202"¹⁰

Tbilisi. 01.09.05. Because of the current circumstances I lack the opportunity to write a longer letter, which is why I will very shortly state my position on the events of August 27.

I have never, even with a word or gesture, offered Koba Bekauri to block the investigative film for a sum of money. It was impossible. The film was being prepared by the studio "Reporter," which has a labour contract with TV "202". The attempt of blocking the film by me would cause a scandal and the film would be shown anyway. Everything happened quite to the contrary. Bekauri had been asking, threatening me frequently for the last four months not to show that film. His calls (which are recorded in my mobile) were so bothering and frequent, that I asked many people to help me to get rid of him. Levan Ramishvili from the Liberty Institute, Tina Khidasheli and the staff of the studio "Reporter" are among those people. I was explaining him patiently that the film would be created with a maximum level of objectivity and that it was impossible to block it. I arranged two meetings for him with the staff of "Reporter". These meetings were recorded by hidden cameras. Bekauri was permanently refused in his demands. He was frustrated. He continued to meet me, my partners in '202', journalists and he was demanding to stop the film.

Suddenly, when I was in Kobuleti on August 23 or 24, my friend Irma Stepnadze phoned me and told me that Bekauri had a commercial proposition for me. I refused to consider it. After arrival in Tbilisi I met Stepnadze, who told me that Bekauri was going to pay USD 100 000 for blocking the film. I thought that it would be great to record the fact that Bekauri wants to pay a large amount of money for blocking the film as it would strengthen the arguments presented in it. As Vakho

¹⁰ Information available on: www.humanrights.ge.

Komakhidze, who was in possession of a hidden camera, was not in Tbilisi I could not record the meeting. Therefore, I asked Bekauri to transfer the money with official documents to my bank account. The administration of the Basis Bank, namely Zura Tsikhistavi, knows about it as I asked him to allocate a room for me and Bekauri (I mentioned his surname as well), where there would be cameras where the money would be counted and the transaction would be done on August 26.

Then Irma called me early in the morning before the meeting and told me that the plans had changed and that he would give me the money at her home. I phoned Dato Kokhreidze and asked him to take me to Irma on Barnovi Street. I explained him that I was going to meet Bekauri to receive the money. There was no time to explain other details, because Kokhreidze arrived from Kobuleti late in the previous night. The change of the meeting place caused the presumption that he was scared and was not going to give money. Having seen Bekauri with the envelope in his hand proved that everything was serious and I took the money. If I did not take it, he would suspect something and he would not come to the second meeting. I was going to record how he was handing over money at the second meeting with hidden cameras. At that time, Vakho Komakhidze would have arrived and everything would be arranged.

Unfortunately, my investigation attempt ended with this provocation. The facts in my letter can and must be supported by the testimonies of witnesses and phone records. The main thing that they hold against me is the fact that I have physically taken money. The money is false evidence and their only case against me is the word of Bekauri. Now you have my words. Which word will have priority, his or mine, must be decided by my people. I trust only in you.

An Eclipse of the “MZE” (Sun)?¹¹

Information is still unclear about the cancellation of the broadcasting of news programmes as a result of the reorganization of “MZE” television. The station will continue to show entertainment and other programmes in stead of the news. Whilst there are some successful entertainment programmes currently being shown on “MZE,” media representatives consider it unacceptable to drastically change the format now which would lead to the “death” of the television station. It is said amongst journalists that “MZE” might be closed due to financial problems it found itself in over the last several months.

Talks about cancellation of the broadcasting have become more widespread after the following message appeared on television on 4 July: “The channel is under re-organization.” Supposedly, the “noise” around the station is possibly connected to the live broadcasting of the protest raid on Rustaveli Avenue on the night of 30 June. Nevertheless, the journalists of “MZE” avoid speaking about this matter. Representatives of the station told us that the rumours about the closing down of the station are not true. As for changing the format, they confirmed that it is spoken about and the station will present new projects to the auditory from September onwards. Steps have already been taken towards it and the first “victim” of the so-called “re-organization” process has become Irakli Imnaishvili’s evening news programme: “Archevanis Zgvarze” (At the Edge of Choice).

¹¹ Information available on: www.humanrights.ge.

Government Pressure Shuts Down Iberia TV¹²

First, Iberia TV cancelled the programme “Dialog”, then the “News Programme”. Finally, the entire station itself shut down. The Didube-Chugureti district court ordered the Television company Iberia to cease operation as of May 19, 2004. It is the second television station sacrificed to the “velvet” developments of the “Rose Revolution”.

Pressure against dissenting media voices began on February 19, 2004, when the government charged the Omega Media Group with tax evasion. The government has ordered many branches of the company to close. This included the newspaper “Akhali Epoka” and the magazine “Omega”. The investigation against Omega continues, in spite of the fact that all pre-trial limits for gathering evidence have expired.

Recently we interviewed **Luba Eliashvili**, the former head of Iberia’s news department, who claims that the government exercised pressure on her personally, as well as on the entire television station.

- What was the reason for the cancellation of the programme “Dialog”?

- Apparently, the authorities did not like my programme.

- Was there direct pressure exercised on you?

- The government exerted pressure directly on the entire Omega Media Group, of which Iberia was a part. The government has been gathering evidence from our offices since February 19, 2004. Police and other government agents have been stationed in our building ever since. I say this is illegal, even if Interior Minister Gia Baramidze claims otherwise, because permanently stationing police in our building to constantly scrutinize us constitutes hampering the progress of our business, which is illegal. The time limit for searching and taking out documents has already expired. In the past, Shevrednadze’s government took financial documents from Rustavi 2, which was still considered to be pressuring the media, without even impeding the working process. In our case, the documentation had already been taken away, but the operation of the television continued to be impeded. As for the pressure exercised on me personally, it was during the time of the revolution. I received threatening phone calls. After we addressed the leaders of the protest movement, they stated at a demonstration that no pressure should be exercised on media, and the threatening phone calls stopped. Evidently, someone powerful did not like my programme, since it was unbiased. Mrs. Nino Burjanadze would have liked me to portray events in a way favourable to her, without any criticism. I have no personal political agenda.

-Can you name the people exercising the pressure on you?

- Apparently, the leaders of the opposition at the time were responsible, since they managed to stop the calls. Mrs. Burjanadze stated at the demonstration that no pressure should be exercised on the media and the calls stopped. I think the threatening phone calls were coming from the activists, who immediately understood the new message from Mrs. Burjanadze. After that, some pressure was exerted on the station as a whole, although there were also many callers offering support. Many people have asked, “Where is Luba Eliashvili’s programme?” People seem to either love or hate my programme. Few people seemed to have an indifferent attitude towards the show. The objective and

¹² Information available on: www.humanrights.ge.

unbiased viewpoint I try to offer is probably the reason for this. As I see it, the governmental representatives and I have very different interpretations of what it means to be unbiased. You may recall that Mrs. Burjanadze thanked the journalists of Rustavi 2 for supporting the revolution. At the time, she said that while they were partial and biased, she was glad they were on her side.

I have also been shot at. Someone fired three bullets at my house. One of them broke a window and two others lodged in the frame. This happened on November 25, two days after the revolution. Police did not even investigate, in spite of the fact that I had concrete evidence. Clearly, the shots endangered the lives of the people in my house. Under such pressure, it is difficult to remain objective.

- After February 19 you remained on the air despite the pressure.

- Yes I did, but it was mostly just to inform society what was going on. No one from the government agreed to visit our programme. I asked them many times, and it was too bad that many people, who I respected very much for adhering to their own principles, avoided participating in the “Dialog”. Some expressed their attitude towards television very harshly.

- Has the time limit of the pre-trial investigation expired?

- The time limit has already expired. Roman Gotsiridze stated that a law should be enacted that prevents the hindering of operations for the purpose of investigation. But this law already exists. When Walter Schumer, the Secretary General of the Council of Europe, saw the situation, he stated that it must not be possible to artificially put a business into bankruptcy, which is what was done in the case of the Omega Group.

- Have you taken any measures against this?

- We took the case to court, and we are waiting for the case to begin.

Years passed after this interview, but we still do not know what happened to television company Iberia after it was pressured to close. The fact is that it has not resumed its broadcasting; moreover the frequency of Iberia was sold to a person associated with the government. The same happened to other television stations that governmental authorities showed an interest in. Some owners of the station were forced to sell their channels and some were pressured to transfer their property to the government. In the end, the government managed to take control over the Georgian media by letting government associated people run the majority of media sources. This practice has resulted in a situation in which there is nearly no independent media left in Georgia nearly.

Methods of Media-hunting Improve¹³

16.06.05. The information agency "Inter-press" ceased work on June 2, 2005. At 2 pm on 1 June, agency representatives were summoned by the Supervisory Board Members and told that the agency had been liquidated and that no further discussions on the issue would follow. The financial reasons cited by the board for the closing could not, according to the editor, be the real reason for the agency's closure.

¹³ Information available on: www.humanrights.ge.

The notice of the information agency closure came as a surprise to the organization and its employees. According to Baya Tsanava, editor-in-chief of "Inter-press," there had already been attempts to close down the agency, but no one ever said anything about its total liquidation. Four months ago, on February 1st 2005, they received an official letter about conserving the agency which was signed by the agency's Supervisory Board. The very next day the agency stopped its activities and informed the public of this letter. However, after a few hours and with no explanation, management changed its decision and the agency resumed its activities.

The June notice, however, was different. This time, members of the Supervisory Board; Irakli Rukhadze, manager of Salford Georgia, and Levan Dzneladze, director of "I-media", verbally informed Baya Tsanava, editor-in-chief, of the liquidation of the agency and added that no further discussions would be held on the matter.

The management has avoided any discussion of the specific reasons for the closure of "Inter-Press." But officially, they say that at this stage, the business was not profitable. As a result, one of the most important and influential information agencies has joined a long list of information agencies liquidated after the revolution. And in this case, unlike the case of many of the others, "financial crisis" is simply not a credible reason for the closure.

Public Defender Sozar Subari is quite critical of the degree of media freedom in Georgia and does not rule out that direct and indirect pressure is being exercised. In discussion with HRIDC, he said that the owners' interests are directly reflected in the editorial policy. In Georgian media, political interests matter far more than business interests.

In discussions with the HRIDC, Ms. Baya Tsanava, editor-in-chief of "Inter-press," said that the agency had real promise to become profitable soon, because it had around 70 subscribers, including international organizations (UN, OSCE), embassies (USA, Russia, Israel) and other organisations and information agencies. The official version becomes even more dubious due to a steady increase in contracts which continued even up until last week.

Rumours that the closure was related to the June 2nd report of the information agency which stated that Goga Zhvania, the deceased Prime Minister's brother, challenged Giga Bokeria, one of the majority leaders, to participate in TV debates and that Bokeria refused, began immediately. Baya Tsanava told HRIDC that she could neither deny nor confirm this connection, but she noted that except for some personal phone calls and other verbal threats, there were no serious instances of pressure on the agency. "No one ever instructed us on what should be aired and what should not," stated Ms. Tsanava.

It should also be mentioned here that on June 3rd, the day after the agency's liquidation, a television debate was scheduled to occur between Goga Zhvania and Giga Bokeria on Inga Grigolia's talk show "Reaktsia," and that viewers also expected this debate since it had been widely announced. However, the subject of the TV programme was changed unexpectedly. As Inga Grigolia, the anchor of the programme said, the debate was cancelled because Giga Bokeria refused to participate in it.

Together with television stations, many newspapers faced a forced closure in these four years, some overcame the crisis but some failed, for example, newspaper Akhali Versia (new version) shut down office in 2007. This newspaper highlighted oppositional views in the period of Shevardnadze as well as Saakashvili. The other newspaper, the Georgian Times(issued in the Georgian language), endured the pressure and it continues working to this day, but the following article will show how difficult it has been to bear the pressure from the government.

New Victim of the New Power: “Georgian Times” Threatened with Shutdown¹⁴

After the “Rose Revolution” in Georgia, it has been common to cancel television programmes, newspapers and popular talk-shows for ungrounded reasons. During the last 2 months, over 7 newspapers have been shut down all over the republic. And now, the Georgian version of the “Georgian Times” is being threatened with closure.

On July 14, the Financial Police raided the office of the “Georgian Times” and stopped the operation of the newspaper for 10 hours. According to the chairpersons of the newspaper, individuals in power are trying to paralyze the “Georgian Times” and declare that this is a personal attack on the newspaper, which refuses to tolerate the rampant corruption. The company intends to bring a lawsuit against the Financial Police, as the representatives of the Financial Police without a corresponding court warrant, raided and confiscated the financial documentation of the newspaper. “This is a crime,” stated the lawyer for the newspaper, Eka Beselia. “We are going to file a lawsuit against the Financial Police for humiliation of reputation and honour of the newspaper and demand compensation.”

According to the representatives of the “Georgian Times,” the investigation, conducted by the Financial Police, was ordered by Valeri Grigalashvili, the General Prosecutor of Tbilisi. The incident was preceded by a series of articles published in the newspaper during a one month period. The journalistic investigation included compromising materials about Valeri Grigalashvili, revealing him as engaged in anti-constitutional and illegal activities. The last publication before the raid highlighted the professional activities of the Tbilisi Prosecutor. In an interview, Lordi Lebanidze, the former prosecutor, accused Valeri Grigalashvili of corruption and demanded he be held liable for the criminal activities. According to the statement of Malkhaz Gulashvili, the leader of Media Holding, Valeri Grigalashvili, the General Prosecutor, had threatened to shutdown the paper. The threats were made personally against him and his wife Nana Gagua, who is the editor of the “Georgian Times.” The statements informed them that they would be detained and the newspaper would be closed. “During the former government we had more problems, but there were only threats, that had not been implemented. But, since the new government came to power, 7 newspapers, 2 TV Channels and popular talk-shows have been shutdown. We classify this as pressure on media and restrictions of the freedom of speech. But I cannot accuse the central government of complicity - the president or the prime-minister. Responsibility for this situation should be undertaken by the prosecutor of Tbilisi,” noted the executive of the “Georgian Times.”

The representatives of the Financial Police stated that they had information about illegal financial operations regarding tax payments, which was the reason for searching the headquarters of the newspaper. The Financial Police confiscated some documents and sent them to the court, notwithstanding the fact that they had not found any illegal or compromising documents.

¹⁴ Information available on: www.humanrights.ge.

Media Holding “Georgian Times” was founded in 1993. It is a member of the World Press Association, which is the largest union in the world and prints about 900 publications and includes 22 000 newspapers as members. The newspaper is not only published in the Georgian language, but is also published in English and is disseminated in Armenia and Azerbaijan as well. The Media Holding also has a web site at <http://www.geotimes.ge/>.

Censorship and Banning

We would like to highlight that the government used various methods to limit the dissemination of information through the media. Methods used were putting bans on filming in the State Chancellery and court rooms, and putting financial pressure on the owners of media outlets. The most far-reaching method used has been to shut down broadcasting of television stations and newspapers.

New Rules Established by the President of Georgia Restrict the Work of Journalists¹⁵

23.02.05. Mikheil Saakashvili’s decision to prohibit journalists accredited to the State Chancellery from working on the first floor of the Chancellery, comes as a shock to media representatives and to the public. Prime Minister Zurab Nogaideli stated in a recent press conference that the purpose of the President’s decision is to make the process of gathering information more civilized, and this decision will not restrict or prevent the free work of journalists. However, it seems that much will be censored if, according to the new rules, journalists can only receive information from spokesmen in a room designated for media representatives and cannot interview the officials themselves.

According to Thea Adeishvili, a journalist from the Television company “Imedi”, the President’s decision is not restrictive on the work of journalists, because the previous manner of receiving information in Georgia was also unacceptable. However, it could be argued that in Georgia, where information is very often blocked, these new rules will decrease the quality of information received and disseminated to the public. Despite statements made by the President that information will remain available to the public and that journalists will continue to be apprised of the developments in the State Chancellery, it does not seem like this will be the case. Journalists working under the new rules which came into effect yesterday have already complained that their access to information has become far more restricted, and that the State Security Service has been controlling their movements within the State Chancellery building.

This situation is especially appalling in the context of the President’s past promises of defending freedom of speech and developing an independent media. This revolutionary leader’s path towards democracy is seriously endangered if the media, which disseminates important information and plays a mediating role between the Government and the public, is restricted in such a way.

Parties at Trial are not allowed to Comment without Judge's Permission¹⁶

The chairman of the Supreme Court, Kote Kublashvili, has limited the number of people who can attend a trial. The parliamentary opposition called it an unprecedented overreach and

¹⁵ Information available on: www.humanrights.ge.

¹⁶ Information available on: www.humanrights.ge.

suggested abolishing it. Kublashvili recommended the opposition to calm down and get up early in order to be admitted to a trial hearing.

The decree of Kublashvili promulgated on July 7, 2006, consisted of eight paragraphs. The opposition expressed their concern over the fourth paragraph, which states, "In the case of increased public interest in a particular case, the number of attendants should be limited to the number of seats in the courtroom to maintain order at the trial. The bailiffs should handle the situation by regulating the number of people entering the courtroom. The people who are late for the hearing will not be allowed into the courtroom."

Parliamentary opposition criticized this particular paragraph and called it unconstitutional. Kakha Kukava from the Conservative Party told the Human Rights Centre that the chairman of the Supreme Court has breached the constitution by promulgating this decree.

Kakha Kukava said, "The restriction of attendance at trials is an unprecedented overreach, since the constitution is above all regulations, as well as laws. Kublashvili decided to enforce the unconstitutional rule through the power of his own office. This means Kublashvili has received his German legal education in vain. Even the students of our university are taught that trials are public and must conform to the principle of free speech. In the 21st century, people should be allowed into a courtroom by the judge himself."

The opposition insists that the decree was adopted unreasonably. They say that the goal of the decree is to prevent the situation which occurred during the hearing of Sandro Girgvliani and Shalva Ramishvili's cases. "The people will be allowed into the courtroom according to the judge's wish because of space limitations. Consequently, only 10 or 15 people will be let in. Do you remember what happened at Girgvliani and Ramishvili's trials? Young nationals were in the courtroom. They did not allow Girgvliani's mother and Ramishvili's wife into the room. It is shameful, nothing more," said Kukava.

He also said that the Parliament can abolish such decrees and that the opposition is currently working on the issue. However, Kublashvili said that his decision was fair and did not take into consideration his opposition's position.

Kote Kublashvili said, "This decree shows my position. I do not agree with the critics and do not listen to them, either. The fact is that the number of attendants should match the number of seats in the courtroom. The same rule exists in many other countries. We do not restrict transparency by acting in this way. When there are only fifty seats in the courtroom and more than 200 people want to attend the trial, it is impossible to keep the room quiet and orderly..."

As for Ramishvili and Girgvliani's trials, Kublashvili said, "I cannot say what really happened there. Maybe strangers attended and no more seats were left. I want to tell you about another new regulation. When the judge enters the courtroom, the door to the courtroom will be locked and nobody will be allowed to enter or leave the room, even if there are vacant places left."

Before Kublashvili announced this decree, the Parliament had adopted a draft law, which barred the disrespecting of a judge. Besides that, the law prohibited demonstrations within twenty meters of the court building. Those people, who criticize the court in the media, will be fined or imprisoned.

Although it is not defined in the draft law what exactly constitutes disrespecting a judge, Kublashvili explained that this law can be divided into two parts. "The first part prohibits disturbing a trial, such as by arriving late or speaking on a cell phone. The second part concerns disparaging words expressed by the parties not only towards the court itself, but to each other as well... As for the section concerning statements made to the media, we will debate this section at a later point in time... Everybody has a right to criticize others. However, this law concerns not ordinary criticism but inflammatory language like, "the judge is a slave", etc. I think this paragraph should be more precise."

Journalists Have Their Professional Activities Restricted in the State Chancellery¹⁷

New rules were introduced for the journalists working in the State Chancellery. Today, before the governmental meeting started, a red line was stretched in front of the entrance of the assembly hall on the twelfth floor. Journalists will not have the right to cross the line and approach the Minister before the session starts.

Spokespeople clarified that the reason for new regulations was journalists' behaviour in the Chancellery. Before the session they used to bother governmental officials with questions and the latter were not pleased with the situation.

Mass media protested the initiative. Journalists claim that they will lose their chance to get answers to their questions from the ministers. After the governmental meeting, ministers will approach the tribune and answer journalists' questions as a rule.

Physical Assault

It has become common for governmental authorities to physically assault and threaten journalists, to break their cameras and take away their video cassettes.

Military Police Physically Abused Television Company "Mze's" Film Crew¹⁸

06.12.05. Georgian Military Police physically abused Television company Mze's journalist Nodar Meladze and photographer Nodar Papidze on December 5 at the Ergneti checkpoint in the Georgian-Ossetian conflict zone.

The police took away the journalists' camera. The Television station's film crew was preparing a story on the conflict zone, when they witnessed a military operation. The journalists filmed the scared people who were running away from the scene of the operation. The military police confiscated the tape with that footage. Journalists believe that the Ministry of Defence will air the Television station's exclusive material with the Ministry's logo on it.

¹⁷ Information of the Agency *Media News* available on: www.humanrights.ge.

¹⁸ Information available on: www.humanrights.ge.

Imeretian Governor Breaks Journalist Irakli Innaishvili's Nose¹⁹

03.12.05. The mutual verbal insults that journalist Irakli Innaishvili and Imereti Governor Akaki Bobokhidze flung towards each other during a live talk show of the Kutaisi-based Television company "Rioni", later resulted in a physical confrontation between those two persons. The incident took place on December 1st. According to eyewitnesses, during the fist-fight that took place in the Television company's corridor, the Governor broke the journalist's nose.

As "Rioni's" Director Tamila Ghvinianidze said, the topic of the talk show was freedom of speech. However, the show was stopped because the outraged Governor left the studio in the middle of the TV programme. During the TV debates Irakli Innaishvili accused the authorities of limiting the freedom of speech. Later, Imereti region's Governor Akaki Bobokhidze wrote a letter of resignation. Bobokhidze made a statement at the special briefing in the State Chancellery held on December 2nd. Bobokhidze said: "I made two correct decisions, first when I defended my own and my family's dignity, and then when I decided to resign". The President, after his return from a foreign visit, declared that Bobokhidze is an honourable and distinguished person.

Another Journalist Down²⁰

09.11.05. Former journalist of Broadcasting Company "Rustavi 2", Irakli Mamaladze, says that the head of the Media and PR Department of the Ministry of Internal Affairs, Guram Donadze, threatened him with a gun. Moreover, Mamaladze was fired from his job because of a letter received from the Ministry of Internal Affairs, accusing him drug addiction. Fired journalist is going to bring suit against the television company.

The confrontation between Guram Donadze and Irakli Mamaladze started in February 2005, when Mamaladze prepared materials about criminal activities within the Ministry of Internal Affairs. Mamaladze accused the Ministry of various illegal acts, which was followed by threats from Donadze. The conflict reached its peak during Mamaladze's preparation of a programme on prostitutes. According to the programme, prostitutes said that after the patrol police was established in Tbilisi, their income had increased. According to Mamaladze, Merabishvili got "angry" after this programme, which was followed by a call to the broadcasting company. Guram Donadze demanded cancellation of the programme.

After this occurrence, threats against Mamaladze increased and the journalist refrained from visiting Donadze. But on the 13th of March 2005, when he entered Donadze's office, the latter "greeted" him with a gun. "He threatened me with a gun and said that I should quit preparing programmes about the police and the Ministry of Internal Affairs," said Irakli Mamaladze to a representative of the HRIDC. After this, calls from Donadze's number were never received by Mamaladze, but several other unknown numbers were recorded by his phone. These numbers were sent to the General Inspection for investigation.

Following this whole affair was the decision to fire Mamaladze, taken by the head of the news programme of "Rustavi 2". "Eka Khoperia, after one year of being with me, "discovered" that I was

¹⁹ Information available on: www.humanrights.ge.

²⁰ Information available on: www.humanrights.ge.

a drug addict. The list of employees was received from the Ministry of Internal Affairs". Mamaladze has not seen the list and has never undergone any medical examinations. The documents on this case were sent to the Public Defender's Office. After the examination and investigation are concluded, the Public Defender will comment.

Host of Georgian TV Channel "202" Attacked²¹

13.09.05. Georgian writer and host of the famous TV show "Debates on 202", Irakli Kakabadze, was battered near his house late at night on September 6 2005. Kakabadze was returning home from work, when he was attacked by unknown persons who stole 100 GEL from him. Kakabadze was badly hurt in the incident. He was taken to hospital for treatment.

Georgian opposition leaders say that the attack was planned by the government. The leaders of the Conservative Party think that the attack has a political background and aims to shut the famous TV show down. Ex-anchor of "Debates on 202", Shalva Ramishvili, was arrested on a bribe charge two weeks ago. Zviad Dzidziguri: "As far as I know, the government has a special, highly trained group of bandits fighting against persons who think differently."

The president of Georgia also commented on the incident. Saakashvili said that after the investigation is over, the criminals will be punished. President Saakashvili personally ordered the investigation of the frequent cases of attack to the chief of the Ministry of Interior, Vano Merabishvili. Saakashvili and the General Prosecutor have promised that the case will be investigated soon. But no one knows what they mean by "soon". Seven months have passed after the death of former PM Zurab Zhvania, two months since the attack on Valerie Gelashvili, and 4 years after the murder of the famous journalist George Sanaia, and those responsible have remained unpunished. This, when at the same time when Vova Arutinian, who threw a grenade at President Bush when the latter visited Tbilisi, was promptly found through satellite information.

The harassment of Georgian television stations and newspapers was strongly criticized by opposition parties and independent Georgian journalistic organizations. Numerous written appeals were prepared on this topic and sent to international organizations, but their efforts were ineffective. We would like to underline that not only Georgian, but also foreign journalists have been put under pressure in Georgia.

New Righters ask International Organizations to Provide Protection of Free Media in Georgia²²

The "New Righters", a Georgian opposition party, published an appeal in which they ask the diplomatic missions accredited to Georgia, the NATO, EU, the White House, Senators Richard Lugar and Sam Brawn, Secretary of State Condoleezza Rice, and the chief of the European Parliament Rene van der Linden, to secure the protection of independent media in Georgia.

²¹ Information available on: www.humanrights.ge.

²² Information of the Agency *Media News* available on: www.humanrights.ge.

“After a threat by the leader of the majority, former member of Liberty Institute Giga Bokeria, the popular political TV Programme “At the Edge of Choice (“Archevanis Zgvarze”), was shut down. This was followed by the well-known case of Television company 202. We think that the Georgian government is fighting against the freedom of speech and the independent media”, it is said in the appeal. “New Righters” ask diplomatic and international organizations to defend free media and alternative thinking in Georgia.

The International Union of Journalists Accuses Government

Tbilisi. 09.09.05. Media News. The International Union of journalists, “Objective”, calls upon the Georgian media to be more objective and impartial. Members of the Union say that the government is afraid of intelligent, professional and experienced employees, who are often fired from their work. Irma Inashvili, member of the Union: “We, journalists, were much freer a year and a half ago than now. Public television is also in danger and journalists have to raise their voices.”

The International Union of Journalists “Objective” is also conducting an investigation into illegal activities by the chief of the National Commission of Communications, Dmitry Kitoshvili. According to the members of the union, the article containing the results of the investigation will be published soon.

"Georgian Media Club" Protests against the Process of Appointing Members of the Supervising Council of Public Broadcasting Television²³

10.06.05. On June 3, 2005 the Georgian parliament elected three members of the Supervising Council of the Public Broadcasting Television. Levan Tarkhnishvili, Mamuka Kherkheulidze, and Rusudan Sebiskveradze were approved as Members of the Council. Despite the huge interest towards development of Public Broadcasting Television, the structure of it has already been distorted. On April 22, Georgian parliament approved the 6 members (nota bene, the MPs were given a list of 9 candidates instead of 18). In addition, the government yet did not consider it important to elect the other three members of the Council according to the rules envisaged by the law. The president of Georgia did not announce another application procedure (as envisaged by the law). He again presented the previous candidates (which failed to be approved on April 22) to the legislative body of the country. It is notable that the parliament did not discuss the candidates and elected them at once.

Dubious too is that the elections of the members of the Supervising Council coincided with the elections of Central Election Commission members, which means that the main attention of society was focused on that topic.

Despite the fact that the Law on Broadcasting does not prohibit to present the same candidate again, the question stands whether it is righteous to present a non-approved candidate once more. Will this person have the mandate of credibility from society? There are two such persons in the Supervising Council, Mamuka Kherkheulidze and Levan Tarkhnishvili. And one more detail, seven persons

²³ Information available on: www.humanrights.ge.

from the list distributed among the MPs on April 21, have coincided with the members of the Council. The Georgian Media Club expresses concern over the fact that the authorities are trying to distort the process of establishing Public Broadcasting Television. In such cases, the audience might face the same first channel with a different name.

Public or “Liberty Institute’s” Television?²⁴

30.08.05. The competition for the position of Director General of Public Broadcasting TV was announced on June 24, 2005. Sixteen persons applied for this position. The board of public broadcasting could not elect anyone in its session on July 23; all candidates were rejected due to a lack of experience in management. A new competition was announced in which 24 persons took part. A second tour of interviews with the participants was organized on August 19. The board of Public Broadcasting preferred its ex-member, Tamar Kintsurashvili, to the other two winners of the second tour, Lia Mukhashavria and Sergo Bitsadze. Kinturashvili was elected as the Director General for six years. Six of the board members of Public Broadcasting voted in favour of her, one, Matsatso Sebiskveradze voted for Lia Mukhashavria and another, Nino Ananiashvili, refrained from voting.

The members of the board of Public Broadcasting are appointed by the President and it is only possible to leave the board with his approval. If Mrs. Tamar Kintsurashvili would not be in possession of a document providing proof for the leave granted by the President at the moment of application, it would be impossible for her to participate in the competition. Mikheil Saakashvili was not in Georgia then. He has the right to grant such a document only from the Chancellery and it should be authentic, otherwise no legal meaning could be attached to it. No phone calls or verbal agreements are permitted. So, Tamar Kintsurashvili, who is considered a governmental employee, had a conflict of interests and could not participate in the application procedure. However, according to a statement of the chairman of the board of Public Broadcasting, Levan Tarkhnishvili, Kintsurashvili’s documents were in order.

According to lawyer Lia Mukhashavria, the competition was organized in an unfair manner; the board followed a governmental order and appointed the person they wanted themselves. Levan Tarkhnishvili argues the opposite: “Tamar Kintsurashvili’s views and working experience were the most acceptable for the board compared to the other participants. If anyone thinks that the board violated any law by its decision, he must refrain from these unserious accusations and statements and should go to court.” Mr. Lasha Bakradze, one of the participants of the competition, suspected that Tamar Kintsurashvili could hope for a majority and had great support outside the board: “Her election was warranted, so nothing was left for election. The members of the board who refrained from voting, deserve respect. If such fair persons would leave the board, it would serve as an example of civil heroism which our society needs so much today.”

Mrs. Lia Mukhashavria had insisted that the interview of August 19 would be broadcasted live. She thought that it would be important for the board to make its decision in public, so that everyone could see whose concept was better. Levan Tarkhnishvili considered it as an inconvenience to show the 3 hour interview live. “I don’t think that anyone is interested in it that much. It seems to me as a populist action from the side of Mukhashavria. The principle of publicity has absolutely been

²⁴ Information available on: www.humanrights.ge.

upheld, as the interview was recorded. Every interested person can hear it. It will be decoded and posted on the web-site of the TV.”

Tbilisi Mayor’s Office Dissatisfied with the Work of Mass Media²⁵

Zaza Begashvili, Chairman of the Tbilisi City Council, and Zurab Chiaberashvili, Tbilisi City Mayor, are dissatisfied with the work of the mass media. According to Zaza Begashvili, mass media does not give enough attention to the coverage of the positive developments in the capital city but concentrates on inaccurate expressions and actions of some members of the City Council.

Zurab Chiaberashvili, City Mayor, advises mass media to take interest in the issues which are more significant for the public. According to Zaza Begashvili’s order, the Public Relations Service of the Mayor’s Office will cover those decisions taken of the City Council and government which are interesting for the public.

Azeri Journalist Persecuted for Refusing to Cooperate with Special Services²⁶

29.03.05. It has already been more than one year that the Georgian-Azerbaijan newspaper Eni Dushundzhya (New Thought) has remained unpublished. This is not because of a financial crisis or the irrelevance of the newspaper, but rather because of political pressure from the Georgian government. Niaz Huseynov, the editor-in-chief of the newspaper who was persecuted by the Georgian special services, is currently residing in Baku. There, he is trying to restore his rights that were violated in Georgia, and is appealing to the international community for support. He states that his brother, Hajar Huseynov, was arrested on April 3 of last year and is currently being held in a prison hospital. According to Hajar, he is subject to intense psychological pressure in prison. The relatives of the brothers say that Hajar was actually taken hostage in order to force Niaz’s return to Georgia. Niaz Huseynov himself, who has been charged with fraud, accuses Georgian special services of attempting to kill him and states that he is being persecuted in Georgia for refusing to cooperate with the Georgian special services. Late at night on January 21, 2004, armed persons attacked Huseynov’s family, inflicted physical injuries on his family members, and then seized documents related to the newspaper. Niaz Huseynov, who was supposed to be arrested on an unsubstantiated warrant, managed to escape to Baku.

Hajar Huseynov, employee of the newspaper Eni Dushundzhya (New Thought), addresses Azerbaijani authorities and defenders of human rights from Tbilisi’s central prison, speaking about the oppression of Azeri in Georgia. According to Huseynov, he and a number of other Azeri were being detained in Georgian prisons on trumped-up charges. He also states that he is in unbearable conditions in the prison and, is subject to severe psychological pressure. In a letter to his brother he writes: “My patience will last for one more month. If the situation does not change for the better I will commit suicide”. Huseynov stresses the fact that recently two Azeri prisoners in the Tbilisi jail died. The Georgian authorities refuse to let him meet with relatives or the press.

²⁵ Information of the Agency *Media News* available on: www.humanrights.ge.

²⁶ Information available on: www.humanrights.ge.

The Georgian Embassy in Baku is informed about the issue and has sent a letter to Tbilisi. Georgia's Ministry of Justice responded by saying that Huseynov's captors are acting "within the frameworks of the law." Relatives of Huseynov have stated that Hajar was actually taken hostage in exchange for his brother Niaz's return to Georgia. Niaz, the editor-in-chief of *Eni Dushundzhya*, had earlier stated that he was wanted for refusing to cooperate with the Georgian special services.

Niaz Huseynov, who currently is in Baku, says that not only he, but the whole of his family, is persecuted in Georgia. According to him late at night on January 21, 2004, armed persons rushed into his house and inflicted physical injury to Niaz's mother as well as his brothers and they demanded that they leave Georgia immediately.

Huseynov has addressed a number of international and local human rights organizations in Baku and Georgia, and also the UN and various embassies for support; however, none of them have reacted so far. *Eni Dushundzhya* had been published for some time in Batumi, when Aslan Abashidze held power over the region of Adjara.

Why is an Azeri Journalist Being Persecuted in Georgia?²⁷

17.06.05. Niaz Huseynov, editor-in-chief of the Azeri magazine "Eni Dushundzhya" ("New Thought"), human rights coordinator of the NGO "Georgian and Azeri Journalists" and currently a political refugee, talks again of the persecution of him and his brother by Georgian law enforcement bodies and accuses the Georgian special forces of using old Soviet pressure tactics. Huseynov says that the Government is exercising pressure on him through his family.

Following the closure of the Georgian-Azeri magazine "Eni Dushundzhya" ("New Thought"), its editor-in-chief Niaz Huseynov is being persecuted by law enforcement bodies which have forced him to emigrate to Azerbaijan. Huseynov compares this whole situation and the pressure that has been put on him, to the repression which existed under Stalin's regime and says that old Soviet pressure tactics are being used. Georgian law enforcement bodies have arrested his brother, Hajar Huseynov. According to Niaz, his brother was in fact taken hostage in order to force Niaz to submit himself to the law enforcement bodies.

The HRIDC covered the story of the closure of the journal "Eni Dushundzhya" and the persecution of Huseynov's family. Later, the situation "improved" so that Hajar was charged with fraud (swindle) and he was sentenced to 5 years imprisonment. However, recently his health condition has worsened and he has been suffering from psychological trauma due to his time in prison. According to Giorgi Tediashvili, Hajar Huseynov's former attorney, during his last visit to him in prison, Hajar's mouth was sewed shut and Tediashvili could not talk with him. Also, in spite of the fact that Hajar's health condition is worsening, he has been given no medical treatment.

Tediashvili says that the accusations made towards both Niaz and Hajar Huseynov, including the charge of fraud, are false and are based on false witnesses who are notorious for being swindlers and have testified in a number of other cases. According to Niaz Huseynov, the persecution of him and

²⁷ Information available on: www.humanrights.ge.

his brother by the Georgian Special Forces is a political issue. The decision of the Georgian Supreme Court to sentence his brother, who was the photo correspondent for the magazine “Eni Dushundzhya”, to 5 years of imprisonment, came as a shock to the Huseynov family.

As the former editor-in chief, Niaz Huseynov cannot understand why his family is being persecuted by the Georgian law enforcement bodies. He wonders whether it is because his brother was helping the Labour party, because he refused to collaborate with the law-enforcement bodies because he has been one of the few Azeris who have managed to integrate into the Georgian society, or because he was fighting for the freedom of speech and press. Hajar Huseynov, an Azeri journalist and brother of Niaz Huseynov, editor-in chief of the now closed down Azeri magazine “Eni Dushundzhya”, is trying to prove his innocence from Baku and is asking human rights organizations for help.

World Association of Newspapers Talk about the Security Measures Restricting Freedom of Speech²⁸

Major terrorist attacks and threats against countries world-wide have led to the widespread tightening of security and surveillance measures which all too often are also used to stifle debate, individual liberties and freedom of the press, according to the World Association of Newspapers.

Media around the globe will highlight the dangers of these measures for their audiences on World Press Freedom Day, 3 May. The World Association of Newspapers (WAN) is once again offering a package of interviews, articles, essays, info graphics and advertisements to publish on 3 May to commemorate the importance of a free press and the necessity of protecting it against attacks, even in democracies.

The materials, on the theme "Press Under Surveillance," can be downloaded, free of charge, at www.worldpressfreedomday.org.

The package of materials examines anti-terrorism and official secrets laws, criminalisation of speech judged to justify terrorism, criminal prosecution of journalists for disclosing classified information, surveillance of communications without judicial authorisation, and restrictions on access to government data.

"All of these measures can severely erode the capacity of journalists to investigate and report accurately and critically, and thus the ability of the press to inform," said Timothy Balding, CEO of WAN, the global organisation of the world's press.

"Balancing the sometimes conflicting interests of security and freedom might indeed be difficult, but democracies have an absolute responsibility to use a rigorous set of standards to judge whether curbs on freedom can be justified by security concerns," he said. "This is the clear message we need to impress on governments and their agencies on World Press Freedom Day."

Contributors to the articles, essays, interviews and editorials being offered for publication include Bill Keller, Executive Editor of The New York Times, Dinah PoKempner, General Counsel of Human Rights Watch, Agnes Callamard, Executive Director of Article 19, David Banisar of Privacy International, Andrei Richter, Director of the Moscow Media Law and Policy Institute, Chinese

²⁸ Information available on: www.humanrights.ge.

Journalist Gao Yu, Seamus Dooley of the London-based National Union of Journalists, and Raymond Louw of the South African National Editors Forum.

Newspaper “Literaturuli Sakartvelo” Was Forced to Leave their Building²⁹

Supervision Department of the Tbilisi City Hall evicted the editorial office of the newspaper “Literaturuli Sakartvelo” (Literary Georgia) from the building in Gudiashvili Street # 2 in Tbilisi. Employees of the newspaper found the door closed upon arrival at the office.

The Police and Supervision Department arrived at the building of “Literary Georgia” early in the morning and took the equipment out of the building. Davit Kakhaberi, a representative of the editorial office stated to Medianews, that nobody had requested them to leave the office; Police and Supervision Department broke into their office illegally.

Representatives of the Enforcement Department Entered “Journalists’ House”³⁰

Representatives of the Enforcement Department within the Ministry of Justice have entered “Journalists’ House” in Anton Katalikosi Street in Tbilisi.

Employees of “Journalists’ House” stated in their interview with Medianews that the enforcement department is evicting magazine “Tabori” and newspaper “Akhali 7 Dge (New 7 Days).

”Tabori” and “Akhali 7 Dge” have legally rented the offices in “Journalists’ House”. They were not warned about eviction in advance.

Lia Toklikishvili: “We Are Illegally Evicted from “Journalists’ House”³¹

“The Enforcement Department within the Ministry of Justice illegally evicts editorial offices from the Journalists’ House,” said Lia Toklikishvili, editor-in-chief for the newspaper “Akhali 7 Dge” (New 7 Days) in her conversation with Medianews.

Toklikishvili said that her newspaper as well as other editorial offices has leased their offices in the building. Their contracts are not cancelled and nobody had the right to evict them from the building. “The Enforcement Department broke into the Journalists’ House illegally and tried to expel us. They have not provided any documents based on which they are evicting us from here,” said Toklikishvili.

The editorial offices of “Akhali 7 Dge”, magazine “Tabori”, newspaper “Sakartvelos Respublika” (Georgian Republic) and Publishing House “Samshoblo” (Motherland), that was evicted from its previous office several days ago, were located in the Journalists’ House.

Representatives of the Ministry of Justice said in their interview with Medianews that officials from the Enforcement Department entered Journalists’ House legally. They are executing a court decision.

²⁹ Information of the Agency *Media News* available on: www.humanrights.ge.

³⁰ Information available on: www.humanrights.ge.

³¹ Information of the Agency *Media News* available on: www.humanrights.ge.

Pressure on the media reached its peak after the November 7, 2007 events, when the state of emergency was introduced in Georgia. On the basis of the state of emergency, all channels were ordered to stop broadcasting news programs. Imedi TV and Radio, and television channels Caucasia and TV-25 were shut down. All these media companies resumed broadcasting except for Imedi TV. The shut down of Imedi was justified by the government by alleging the station was politically biased and participated in an attempt to overthrow the government. In the following articles you will read what “services” Saakashvili’s government has performed for Georgia and which restrictions it imposed on the Georgian media. We shall discuss the issue of Imedi’s closure.

After Special Forces raided Imedi TV on November 7, 2007, the channel was not allowed to broadcast for one month. The channel resumed broadcasting only after international organizations and the US State Department interfered, but Imedi was not as strong as it used to be. Special Forces destroyed all the technical equipment of the station, making it impossible for Imedi to cover areas outside Tbilisi.

Opposition Parties Support Television company “Imedi” and Badri Patarkatsishvili ³²

Opposition parties within the “National Council United” warned the government that they would not put up with the violent attitude towards Television company “Imedi” and its founder Badri Patarkatsishvili.

On October 10, Giorgi Khaindrava, one of the opposition leaders, made a statement at a briefing in front of the State Chancellery.

“The harassment on Imedi TV aims to close down the company that informs the people about the current situation,” said Khaindrava. He said the representatives of the ruling party (United National Movement) threatened and slandered Patarkatsishvili for plotting against the government together with former Defence Minister, Irakli Okruashvili.

In addition, Khaindrava pointed out that some intrigues were schemed against Zhana Didebashvili, a journalist from the Kakheti office of Imedi TV, and tried to detain her.

Khaindrava said that if any cruel person dares to harass independent media sources, s/he would be seriously punished.

MP Giorgi Bokeria, one of the leaders of the ruling party, stated in his interview with newspaper “Resonance” that nobody plans to act against Television company Imedi. Bokeria said that their opponents and media representatives think they are persecuted though they are criticized.

How Much Should Journalists Pay for Violating Confidentiality of Juveniles³³

While public discussion of juvenile crimes, names, surnames, addresses or some other personal data of juveniles must not be announced because it shall cause damage to the accused and destroy his/her future life,” stated Sozar Subari, Georgian Public Defender.

³² Information of the www.media.ge available on: www.humanrights.ge.

³³ Information available on: www.humanrights.ge.

A round table in the Public Defender's Office was dedicated to the issue of "Protection of juvenile confidentiality". The meeting aimed to discuss the issue with representatives of governmental and non-governmental organizations, as well as media sources. They spoke of how confidentiality of juveniles should be protected when s/he is accused, suspected, convicted, a victim, and a witness or has some other status undefined by procedural legislation and is not directly connected to the crime.

The first meeting on the issue was held in July in the Public Defender's Office. Recent facts of violating the confidentiality of juveniles made it necessary to regulate media activities under the law. Giga Giorgadze, the deputy Public Defender, stated that it is necessary to introduce amendments to the Georgian Law on Protection of Juveniles from Negative Influence as well as to the Georgian Administrative Code.

According to the recommendations prepared by the Public Defender's Office, Chapter III of the Georgian Law on Protection of Juveniles from Negative Influence should also include section "g" that would state the following: "Violation of juvenile's confidentiality: announcing the name, surname, father's name, address of juvenile or some other personal information by mass media or printed media, by internet or some other sources that will increase the chance to identify his/her personality. Face and voice-record of the juvenile should be hidden using special techniques."

According to the materials prepared by the Public Defender's Office, a Chapter V should be added to the Georgian Law on Protection of Juveniles from Negative Influence which would regulate the protection of confidentiality. An essential part of the meeting was dedicated to the discussion of the chapter. Participants of the round table discussed how the privacy of the juvenile can be violated. According to section 3 of the mentioned chapter, "confidentiality of the juvenile can only be violated on the request of a parent, a guardian or a care-taker".

As the meeting at the Public Defender's Office demonstrated, section 3 will be formulated soon and their office will introduce the final draft law to Parliament.

The recommendations prepared by the Public Defender's Office also considered the amount of the fine that would be imposed on the people who violate the confidentiality. The amount of the fine is would range from 5 000 lari to 50 000 lari.

Hard Work to Achieve Journalistic Impartiality³⁴

"In reply to your appeal we inform that Chapter III of the Common Administrative Code defines the kinds of public information and claims responsibility on public officials to issue public information. According to Chapter 2 Section I-L and some other regulations within the law, the information you demand in your appeal is not public," was the reply of the Penitentiary Department within the Georgian Ministry of Justice which the Human Rights Centre received ten days later.

The Human Rights Centre petitioned the Penitentiary Department and demanded permission to enter the Juvenile Prison, making a report there, taking photos and documenting comments from the representatives of the prison administration. Their refusal was reinforced by the definition of the Administrative Code in the above-mentioned letter.

³⁴ Information available on: www.humanrights.ge.

Having received the reply, the Human Rights Centre got in touch with Salome Makharadze, the head of the Public Relations Department within the Penitentiary Department and asked an explanation for the refusal. Makharadze was commented briefly: “We discussed your petition and decided that you do not have right to enter the prison. The director of the jail does not want to speak with you. As for the vague context of our reply, it has a simple reason - lawyers won the game with their statements.” The journalist of the Human Rights Centre could not understand what she meant by “game”.

Most journalists of the print media complain that in order to receive short comments on various issues, they have to prepare a special application for public information, deliver it, register it at the chancellery of the department, have it numbered and then wait for at least ten days for a response.

Eka Sekhniashvili, newspaper “Alia”: “I encounter similar problems very often. Our newspaper is a daily edition and we need to work efficiently; thus we have to prepare materials within short periods of time, but I have to send official petitions to governmental bodies to receive answers to the simplest questions. I encounter most problems with the State Chancellery. It is almost impossible to get in touch with the official who is in charge. Law enforcement bodies never give valid information to journalists unless you know a person within the department. However, there are some bodies who actively cooperate with journalists; for example, the Chamber of Control, Public Registry, Statistics Department and Public Relations Department of the Georgian Parliament.

Lali Rozomashvili, a journalist for the newspaper “Resonance”: “I would advise all journalists to change their minds if they are going to get in touch with the Ministry of Internal Affairs or other law enforcement bodies. You will never get useful information from them. In order to prepare a balanced article, journalists have to work hard. Many journalists have already stopped demanding public information from law enforcement bodies. However, if we do not incorporate their official comments in the article, they start complaining about an unbalanced publication. It is ridiculous; how can we be balanced if they do not comment on anything. I remember one occasion when I demanded public information from the Ministry of Internal Affairs while Guram Donadze was the head of the Public Relations Department. Two weeks later I received a reply from them, but it was completely useless for the article because all my questions were answered with one word: “no” or “yes”. I have kept that letter. Nowadays, the situation is even worse. You should never expect a proper reply from the Ministry of Internal Affairs. I should say that the situation is much better at the Ministry of Justice.”

Rezo Getiashvili, representative of the journalistic centre “Discover Georgia”: “A similar situation developed in winter of 2006 and it still continues. More precisely, the situation has already finished because I decided not to demand any public information from governmental bodies. I officially applied to the Ministry of Culture, Monument Protection and Sport for public information. I received their reply sixteen months later?! Governmental Bodies answer only those questions that are important and interesting for them. But if you neglect their interests, the information will be certainly blocked. I will also declare that the aim of the Public Relations Department within the Ministry of Internal Affairs is not to bear its responsibilities. It is incredible to get through their telephones. Moreover, employees of the Ministry of Internal Affairs are ordered not to comment on any situation without the Public Relations Department being aware. But the problem is that nobody can get in touch with the Public Relations Department. I encountered another problem in Bolnisi. I was preparing an item on environmental problem there. I cooperated with the local government as well as with commercial shops, medical institutions, etc. Can you imagine that even the shops were

ordered not to comment to journalists unless they agreed on the topic with the Public Relations Department of the local administration?”

Saba Tsitsikashvili, Human Rights Centre’s Gori Office: “Regarding issuing public information, we should state that the most difficult situation is in the Shida Kartli region. Nobody allows journalists to enter the building of the Administrative Board and they do not accept our letters either. Lucky journalists who managed to hand a letter to the Chancellery, had their letter disappear very soon. A similar situation arose in the Police Department and Prosecutor’s Office. Officials send us to the Public Relations Department within the Ministry of Internal Affairs for the simplest information. But nobody answers our calls and letters at the Ministry. When we sent a letter to the Penitentiary Department about a sick prisoner who had leukaemia, we demanded information about his health conditions, but we have not yet received an answer.”

On September 14, the Human Rights Centre petitioned the Georgian Defence Ministry and demanded statistics and the list of alternative service the ministry offers to citizens. It took a week to receive a reply from the Ministry which stated: the Human Rights Centre should apply to the Department for Veterans for such information.

Most journalists of the print media state that accessibility to public information is a very urgent problem in Georgia which is on its way to democratic development. Law enforcement bodies and the State Chancellery are the main contributors to this problem.

All abovementioned facts, which only form a small part of the violated rights of journalists during the past years, are somehow crowned with the events of autumn 2007. The mass demonstrations began in November in Tbilisi, and the government dismissed them in about one week by using all means –tear gas, water canon, truncheons, arrests and closing of television companies.

The Two-Week Information Vacuum Has Begun!³⁵

8 November 2007 - Government representatives have not hesitated in making statements “warning” print media about their behaviour, even as both television and radio broadcasting, the main forums for disseminating information in Georgia, has been severely restricted. Levan Bezhuashvili, chairman of the Parliamentary Committee on Legal Affairs, when speaking to journalists stated, “although there are many allegations against the print media, I hope that every editor and journalist will maintain a civil position and recognize that the country really needs stability and objective reporting of current events.”

It will soon become clear if “objectivity” is understood by the government and media in the same way given the current restrictions on media activity. As of the morning of November 8th 2007, three television stations— Imedi TV (as well as radio Imedi), Caucasias and Channel 25— have ceased broadcasting. The newspaper Alia refrained from publishing today and the Media News agency has also gone offline. The only television channel that is broadcasting is Georgian Public Broadcasting. The two-week restriction will conclude on November 22nd 2007. November 23rd is the fourth anniversary of the Rose Revolution.

Imedi TV’s status as of yesterday is unclear. Most of the journalists have been unable to contact

³⁵ Information available on: www.humanrights.ge.

each other.

The HRIDC managed to reach Imedi journalist Natia Mikiashvili. Yesterday evening, rubber bullets struck both her and her cameraman on Baratashvili Bridge. “I asked my cameraman to get some footage on Baratashvili Bridge,” Mikiashvili recalls, “even though there were already very few people there. As we did so, riot police saw us filming, and began to follow us, shooting rubber bullets. We were the only TV crew there and the police were trying to cover our camera lenses so that we could not get footage of anything.”

Natia Mikiashvili says that in the days before November 7th, they had been receiving reports of a possible raid on the television station.

By November 7th, Imedi staff knew that riot police were planning to enter the station that evening. During the demonstrations, Levan Tabidze, a journalist for Imedi, was severely beaten by riot police, who threatened that Tabidze’s injuries were nothing compared to what they were planning to undertake later that evening.

Because of the police’s aggressive attitude, Imedi journalists took the station’s logo off their microphones to continue working. Late that evening, their work was stopped without question for at least two weeks.

Another Imedi journalist, Ana Gochashvili, who was on Imedi premises when riot police stormed the station, says that they had been expecting riot police to raid the whole day. “We still had some hope that they would not attack us,” Gochashvili says. “I was in the newsroom when one of our reporters ran in saying that we were surrounded. At that moment, the riot police entered the room. They shouted at us to lie down on the floor and not move. When we asked why they came, they replied, ‘because you are Russian spies, you are highlighting incorrect information, you want turmoil in Georgia’. Nobody was beaten, but they took our mobiles and then took us in the yard and let us out from the back door of the station.”

The methods used to stop television station Caucasica were different, as authorities blocked their broadcasts from their television tower. According to Davit Akubardia, Caucasica’s station director, a well-known businessman came to him and offered him a deal. “I am not naming who yet,” Akubardia says, “but a very famous businessman came to me and said that if I stopped broadcasting the news for one week, they would not cut the station entirely. They offered us a lot of money— I mean millions. We refused to accept such an offer. No riot police raided us, but our broadcast was cut from the television tower. As far as I know, Imedi uses a satellite to broadcast and that is why the authorities could not stop them in the same way.”

“The main thing that should be clear for everyone is that the law has been breached,” Akubardia continues. “A state of emergency had not been declared yet, nor had it been approved by the Parliament. Actually, media should be informed with official letters about restrictions placed on their activities after it is approved by Parliament. We have a licence that obliges us to inform society about current political events. It is written in laws enacted by this government. As soon as Parliament approves this declaration, I am going to seek legal action.”

Akubardia also mentions that if the government had only targeted Imedi, an argument could have been made that the station was “subjective” and “biased”, requiring closure. Cutting the broadcasts of two stations at the same time, however, undermines the government’s own policies and purpose.

As for Imedi Radio, it was stopped noiselessly. According to Lela Gamechava, an employee at the radio station, the broadcast was suddenly blocked three minutes before Imedi TV was taken off the air. There were eight people in the radio building, who closed the office and left the premises. “We were afraid that they might break the equipment,” Gabechava says. “When we were leaving, we heard terrible noises.” It’s unclear when the newspaper Alia will be published again and what it will print at that time. Alia journalist Ketii Khatiashvili says that the editorial board is waiting to hear what restrictions and rules the government will place on print media before making a decision.

Television Company “Channel 25” Resumed Broadcasting³⁶

In the evening of November 18 2007 the Batumi-based television company “Channel 25” resumed its broadcasting. The company ceased its activities late at night of November 7 as soon as the state of emergency was declared throughout the country.

Police officers visited the television company and demanded to stop broadcasting. In addition, law enforcement officials seized the transmitting equipment of the company.

Giorgi Surmanidze, the director of the television company stated that the law enforcement officials returned those equipments. However, the Adjara Department of the Ministry of Internal Affairs does not mention the grounds for closing down “Channel 25”.

Reporters without Borders: Government Suspends News Programmes, Closes Two Television Stations after Declaring Emergency³⁷

8 November 2007 - Reporters Without Borders voiced “deep concern” today about yesterday’s declaration of a 15-day state of emergency, in which one of the first measures taken by the authorities was to suspend all the news programmes of the privately-owned television stations and to close two stations that broadcasted footage of the security forces violently dispersing demonstrators in the capital.

“The Georgian population has the right to be informed about what is happening in the country,” the press freedom organisation said. “We call on the authorities to reverse this decision and to allow journalists to resume working normally at once.”

Claiming he had evidence that Russia was fuelling unrest, President Mikheil Saakashvili declared the state of emergency yesterday, on the sixth day of opposition demonstrations calling for his resignation and parliamentary elections. Minister for Economic Development, Giorgi Arveladze, announced the suspension of all news programmes by independent television stations. Georgian Public Broadcasting is now the only television station allowed to give news.

Imedi, the most popular of the three leading commercial television stations, went off the air at 8:50 p.m. yesterday, shortly after Giorgi Targamadze, the head of its current affairs programmes, reported live that Special Forces had just entered the television station. Employees were forced to lie on the floor and their mobile phones were seized (and in some cases, smashed). The police also

³⁶ Information available on: www.humanrights.ge.

³⁷ Information available on: www.humanrights.ge.

threatened some employees by putting guns to their heads. Caucasia, another privately-owned television station based in Tbilisi, went off the air a few minutes later. Both had broadcast footage of riot police using force to disperse protesters.

Tbilisi mayor Gigi Ugalava announced that directives would be sent to every news media today.

The Ministry of Health reported at 11 a.m. that more than 500 people had needed medical attention as a result of yesterday's intervention by the police. About 100 are still hospitalised. Large scale demonstrations began in Tbilisi on 2 November.

The crisis has its origin in the arrest of former Minister of Defence, Irakli Okruashvili, on 27 September after he accused Saakashvili of wanting to eliminate businessman Badri Patarkatsishvili, who controls Imedi. Okruashvili retracted after he was arrested and charged with corruption. Following his release on 6 million dollars in bail, he gave an interview from Munich to Imedi on 5 November in which he reaffirmed his allegations.

Ian Kubish: "Reestablishment of Imedi Would Be a Sign of Democratic Political Processes In Georgia",³⁸

Ian Kubish, the Slovakian Foreign Minister and the head of the Ministerial Committee of the European Council, said that the reestablishment of Imedi TV and Radio's broadcast in the near future would be a sign of democratic political processes in Georgia.

Minister Kubish made this statement on November 27th, after negotiations with Georgian Foreign Minister Gela Bezhuashvili.

According to Minister Kubish, it is important that the opposition be given an opportunity to make a free election campaign before the ad hoc presidential election on January 5.

European Union Sent Adam Mikhnik to Observe the Freedom of Media Sources in Georgia³⁹

The Polish daily newspaper "Viborshcha" writes that the EU and the Polish Ministry of Foreign Affairs decided to send Adam Mikhnik, a Polish journalist and former activist of "Solidarity", to Georgia. He must monitor the compliance with the principles of democratic governance by the local government and the freedom of media sources. The Georgian side requested the EU to send such an observer several days ago. According to the Georgian editorial board of the "Voice of America", Adam Mikhnik will arrive in Georgia on November 29.

Assessment of the November events in the light of Georgia's international obligations⁴⁰

Restriction of the freedom of expression

Freedom of speech and expression constitutes one of the essential foundations of democratic society, one of the basic conditions for its progress and for the development of every man.⁴¹ This

³⁸ Information available on: www.humanrights.ge.

³⁹ Information available on: www.humanrights.ge.

⁴⁰ information prepared by Simon Papuashvili, HRIDC lawyer.

right includes the freedom to hold opinions and to receive and impart information and ideas without interference of the state. The *Handyside* Case of the European Court of Human Rights stated that:

The right to receive and impart information is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend shock or disturb the State or any other sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society".

Nevertheless, certain restrictions are expressly allowed on the freedom of expression under international law. The situations in which the restrictions may be justifiable include the need to protect important public interests such as – national security, territorial integrity, freedom from crime and disorder, health and morality and the authority and impartiality of the judiciary, also other individual rights such as the right to privacy and reputation. In any case, every “formality”, “condition”, “restriction” or “penalty” imposed in this sphere must be proportional to the legitimate aim pursued.⁴² In addition, according to the principle of legality, any limitation to the right of freedom of expression can only be carried out in accordance to the procedure prescribed by the domestic law. As the European Court expressed it in the *Sunday Times* Case – the law upon which the government bases a limitation to the right must be adequately accessible: the citizens must be able to have an indication that is adequate in the circumstances of the legal rules in a given case. Secondly, a norm cannot be regarded as a “law” unless it is formulated with sufficient precision to enable the citizen to regulate his conduct. Thus, in order for a particular state action or enactment to be considered to be “in accordance with law” under the convention, it must be both accessible and foreseeable.⁴³ The European Court went further in the *Malone* Case by declaring that:

It would be contrary to the rule of law for the legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate the scope of any such discretion conferred on the competent authorities and the manner of its exercise with sufficient clarity, having regard to the legitimate aim of the measure in question, to give the individual adequate protection against arbitrary interference.

⁴¹ *Handyside v the United Kingdom*, Judgment of 1976.

⁴² *Ibid.*

⁴³ *Sunday Times v the United Kingdom*, Judgment of 1979.

In case a state is in a position to meet the requirements of the principle of legality the test of “necessity in a democratic society” needs to be passed. In order to determine whether the restriction was “necessary in a democratic society”, two criteria need to be fulfilled: first the state has to prove that the aim of the restriction imposed, is itself legitimate and second, authorities also need to prove that the means of restricting the right to freedom of expression is “proportionate to the legitimate aim pursued”.

The actions of the Government of Georgia discussed above are in contradiction to the requirements of the Constitution of Georgia and the obligations undertaken by it due to the following reasons:

Limitations carried out against two broadcasting stations, Imedi TV and Caucasias, do not meet the requirements of the principle of legality of the limitations. Both TV stations were taken off the air before the declaration of the state of emergency without following formal procedure prescribed by the Georgian legislation. None of the stations received any formal explanation prior to shutting down the broadcasting. The cancellation of the broadcasting license of Imedi TV was done post factum. The judgment of the national court that suspended Imedi’s license is dated November the 7th. However, according to the logic of the events, which is clearly described in the report of the Public Defender of Georgia related to the suspension of the license and initiation of the criminal case against Imedi TV as a legal entity, the judgment of the court and the decisions of the Commission on Regulation of Broadcasting has actually been delivered a few days later. Therefore, the Georgian government is trying to use the post factum national court decision to give a legal justification for shutting down the broadcasting of Imedi TV. Nevertheless, even after the suspension of the state of emergency, there is no formal explanation as for taking Caucasias off the air. Therefore, it is evident that the Georgian government went far beyond the scope set by Georgian legislation and international law by not following the formal procedure concerning limiting or suspending the broadcasting of Imedi TV and Caucasias.

The context of limitations and the methods used by the Government are sufficient to declare that the requirement of proportionality has not been met in the case of shutting down Imedi TV and Caucasias. The actual taking off the air, and the initiation of a criminal case with respect to Imedi TV, can be considered as respectively the least and the most extreme forms of limitation of the right. Prior to the suspension of the broadcasting the Government did not attempt to explain to the

administration of both TV stations what exactly constituted as an illegal act in their work and did not give a notice on the content regulation. By shutting down Imedi and Caucasias, the Government of Georgia not only deprived these two broadcasting companies the right to impart information and ideas without interference, but the act also deprived the Georgian public of the possibility to receive information on crucial political debates and events. Therefore, it can be argued that the limitations with respect to Imedi and Caucasias do not meet the requirement of “necessary in a democratic society”.

Experts’ Assessment⁴⁴

Famous Georgian Journalists have immediately responded to the present situation existing in the media. It may be a bit late, but finally special talk-shows on different channels have been dedicated to the current media problems. Despite this extra attention the situation has not improved. We have decided to represent the opinions of experienced Georgian journalists on media-related issues. Some of them have taken a professional time-out and are currently not working in media organizations. Their ideas coincide with the opinions of other Georgian journalists who are still working in this field:

Ia Antadze, Radio “liberty”:

In my opinion, the most essential thing that happened after the Revolution, was that some television stations have been closed, others (except “Imedi”) have changed their owners. Public Broadcasting has been founded which is entirely controlled by the Government through the Supervision Council and the Director General. This television is in fact an integral part of the Government (I will turn to this below once again). The controlling pack of the broadcasting company “Rustavi 2” has been transferred into the hands of Kiber Khalvashi, who also was closely connected to the Government. It is noticeable, that Khalvashi has neither purchased broadcasting company “Rustavi 2”, nor sold it later. Supposedly, Erosi Kitsmarishvili was paid part of the money appropriated from the authorities during Shevardnadze’s time. Therefore, I strongly believe (I also wrote an article about this some months ago) that Saakashvili is a real owner of “Rustavi 2”. The ex-Director General of this broadcasting company, Koba Davarashvili is also closely connected with the Government. Television company “Mze”, as you know, belongs to the brother of the Minister of Foreign Affairs, Davit Bezhuashvili. And television company “Alania”, which broadcasts illegally and without a licence, is entirely controlled by Vano Merabishvili’s office. It is remarkable, that broadcasting companies “Mze” and “Alania” are governed by the same person - Aleksandre Parulava, which means that Gela Bezhuashvili and Vano Merabishvili belong to the same political group (many other factors prove this).

In fact, journalists and their media-owners were in one group before the Revolution and opposed the Government together (in any case, such was the basic scheme). If we imagine this triangle with a top above, the Government was at the top and the journalists and the media-owners together formed the base. After the revolution this triangle turned upside down, media-owners and the Government have been placed in the upper two angles beside each other and the journalists were left in the lower point

⁴⁴ On-line interview of HRIDC.

on whose shoulders fell both subjects (the owners and the Government). Accordingly, media became loyal to the Government, journalistic investigation has disappeared from the screens and political talk-shows were removed for some time.

As for newspapers, the Government did its best to place them in a difficult situation. At first, offices were forbidden to subscribe to newspapers with budgetary sums, then the tax relief for the press was cancelled and at the end newspaper sales were prohibited in the open air. Taking into account the number of editions is small; the press could not become a decisive factor in disclosing the real face of the Government.

The only common national television that has not changed the owner after the revolution is “Imedi”. It is “Imedi” that took a critical vision of the Government’s activity upon itself and its ratings increase year by year (as proven by sociological studies of the International Republic Institute).

The project financed by the European Commission delegation to Georgia “Citizens informed choice - Media and Election” was aimed at a four-month study of political processes’ coverage by the experts. The research was going on in spring, 2007 and the results will be released shortly. According to this research, Public Broadcasting and “Rustavi 2” are positively tendentious towards the Government (according to many parameters). The “Imedi” news programme “Kronika” is much more balanced, though after consideration of the content and the aspiration of the political talk-shows, it can be said that the broadcasting company “Imedi” is also engaged in political conflicts as one side and not as an unbiased arbiter.

Thus, when the society still trusts the Georgian media according to various polls, I personally do not understand how we deserved such trust. Actually, Georgian professional journalism has hard times and performs its essential functions with great difficulty. It is deplorable, that a great majority of journalists has already reconciled to the work under the censorship or self-censorship (which is the same in our case) and agrees to the rules of the game suggested by the media-owner.

Nino Loladze, Independent Journalist:

After the Rose Revolution a serious crisis began in Georgian mass media. This process touched upon not only electronic mass media means, but also on the print media. Unfortunately nothing has changed for the better. The main problem is a lack of professionals as they leave their jobs.

It was not accidental when famous television journalists left television companies and moved to the Press Offices of various governmental structures.(The reason of their decision was bad working conditions or high taxes, as they had all of them in television companies.) Hence the government, by their policy of personnel selection, forced them to leave journalism. People believed and trusted these journalists.

The print media has more difficulties than television journalists. After the Rose Revolution professional journalists were forced to find new jobs as their wages decreased dramatically. Almost none of the publishers could receive their wages because of high inflation and sometimes their wages were frozen for months. We can say that this fact is the best indicator of the present situation in Georgian mass media.

Mass media was quite weak after the Revolution. This was caused by a lack of information. The representatives of the new government kept the public information secret and it became impossible for journalists to find any necessary documentation to prepare reports.

But the distinct role of government in weakening mass media is not clear. Not a single journalist, editor or publisher speaks about the pressure they experience from the government or about the attempt to impose censorship on them. So nobody can accuse the leading political elite of restriction of the mass media. Georgian media has created a new term - "self-censorship." This word made it easier for the Georgian government to solve the many problems it was facing in front of the international community.

It is worth to mention that this term was encouraged by the mass media. They were themselves stating several times that they feel "self-censorship". Nevertheless, the existence of censorship indicates to the disadvantageous situation. If the mass media imposes censorship on itself, this means that it has fear of something. After the Revolution such caution or better to say fear has really appeared. And the source of this caution and fear were two things, firstly the people and secondly the government.

After the Rose Revolution, mass media became loyal to the government. There was a lack of criticism and not because of the fact that the new government did everything perfectly; the media was just afraid of the readers' reactions as they did not know how they would accept the criticism of the government and how they would react to the abrogation made by the government. So some mass media means were afraid to lose its post-revolutionary reader.

Herewith, mass media has decided to give time to the government and softened its criticism. But the given time turned out too much.

The main problem of media was that the government chose a fundamentally new way of influencing the press. The leading figures of the ruling party have started to talk about a lack of professionalism in media. So the government sent some messages to the society in response to the criticism coming from the press and the government let people know that the press was incompetent. Media referred to the so called "self-censorship" to protect itself from the government.

It is worth to mention that the problems existing in the press are connected to the publishers, the people who define the policy of newspapers or magazines. And they do not want to have any problems with the government, because their financial situation is not in order. So, self-censorship becomes necessary once again.

David Paichadze, Independent Journalist:

Rustavi 2 makes a complete turnaround

Television company Rustavi 2 has been proving for several years that it was the most viable television company in Georgia. Rustavi 2 proved it in 2006. As one of the Russian philosophers said, experience comes to those who do not fear change. Rustavi 2 has changed. It refused to talk about politics (or maybe someone forced them, but this does not matter). Gradually it waived "9 Hour Courier" which was the main source of information on Georgian television. Now Rustavi 2 is focused on entertaining society and it does it quite well. Who knows, maybe with the help of these changes it extended its existence.

Even though Rustavi 2 was the motivating power behind the Rose Revolution, after the Revolution it could not manage to avoid the tendency of counter-modernism. In response, Rustavi 2 found itself in respectful exile. Rustavi 2 plays the role of acrobat with the entertaining shows five times a week, plus the so-called GeoBar.

The Shortest Way of Destroying the Myth - The Last Hope of Freedom

Few people are interested to study Georgian media since most of them want to use it. Do you have any idea how many radio stations there are only in Tbilisi? There are many for a city where 1 million people live. Radio is the most various and imperceptible means of media in Georgia. It is not interesting for politicians and they do not make use of it. In radio they behave honestly and correctly. Radio has great potential to be more free and effective.

But there is only one radio station which has always used and is still using this potential - Radio Liberty.

The Rose Revolution undermined the future of Radio Liberty in Georgia. But as long as Georgia is not a NATO member country, Radio Liberty will continue its broadcasting in our country. However, 50-year-old Radio Liberty will not reach the age of 60, a retirement age. Many radio stations face this challenge in different ways.

After November 2003 the first thing that Radio Liberty did was have an interview with Eduard Shevardnadze. This journalistic thank you service emphasized the ineffaceable merit of the second president in front of the nation and country. First of all it mentioned the Baku-Tbilisi-Ceyhan Pipeline Project. Then the radio station decided to be less critical. It turned out that to criticize Shevardnadze's government was easier than to criticize Saakashvili's government. The pre-revolutionary government had been inactive and some negative epithets were enough to describe their activities. To criticize the new government required one "to shake one's brains" to find more facts and observe carefully. You can only pretend to be a critic when you are criticizing Saakashvili's government without real facts and without strong argumentation. The main aim of Radio Liberty is to provide society with accurate and reliable information. Radio Liberty always behaved and continues to behave in this way. This method is used by the journalists whose names are not widely known, but they do their best to work in accordance with the standards of radio and to care about the reputation they gained. To be objective not only inspires people around you, it finally creates a mood. This is path has proven to be correct through experience. Most of them choose this way, because they have learnt it. So they remember only this.

The Twists of Imedi

People like to compare. Imedi TV is similar to the pre-revolutionary Rustavi 2. And what does it mean? Is Imedi as oppositional as Rustavi 2 was? Imedi is ignored by the government like the time when Rustavi 2 was ignored by the Shevardnadze government. If Aslan Abashidze and Levan Mamaladze had stayed in Georgia, Rustavi 2 would die and the same goes for Imedi, because if this government does not leave its position, Imedi TV will be at a risk. Will Imedi prepare a new revolution with the help of people as it was done by Rustavi 2?

To be honest and direct: Imedi never does and cannot manage to organize a revolution in Georgia. On one hand, I do hope that there will not be a revolution again and on the other hand Imedi TV has different goals and objectives. During 2006 it made wise and wrong steps at the same time. The wise

motion was when Imedi TV chose Radio Liberty as its partner and made a friendly deal with Rupert Murdoch. It was a guarantee for more security for Imedi and before Badri Patarkatsishvili sold his shares to News Corporation he approached Radio Liberty's emblem orange torch adroitly. Do you have a friendship with the USA? I am partner of a radio station which is financed by the US government. Against the background of a partnership with News Corporation, Imedi's tea will not have to be impregnated with the sweetness of freedom, but here professionalism and television charisma played a great role. The project joined two big powers; on the one hand Murdoch as a media tycoon who is loyal towards the US government and on the other hand Radio Liberty which is financed by the US government.

Imedi TV has shown its courage and it became useful for society especially when it cleared up the murder of Sandro Girgvliani. Imedi revealed this fact which became its advantage, but soon because of the systematic repetition of the footage the benefits were exhausted. I am prescribing anything and do not know what Imedi wanted or planned, but I can see the consequence of it. Sandro Girgvliani's murder will be always real, but it never caused public excitement. And I do not know what Imedi really aimed at, but the fact is that Georgian society only expressed its condolence to the family and not indignation about the tragedy. This condolence was passive and the protest actions of the Egalitarian Institute, David Gamkrelidze and Konstantine Z. Gamsakhurdia were not enough to cause indignation in our society. It was hard to watch this trial and the judge who announced a lenient sentence, but this sentence has played its role in the prevention of mass dissatisfaction. Imedi acted in a very dramatic way regarding the case and the impression of last year was a hysterical television company. Of course it was reduced hysteria but nobody follows hysterical actors.

So it turns out that the majority is satisfied. Imedi TV is also satisfied as it holds the best ratings. The journalists feel that they serve the truth. It is nice to feel little impulses of civil boldness. The government is satisfied as well because such a moderate television company is in its interests. And finally, the spectators are also satisfied as they watch Imedi most. The others have the option not to watch Imedi TV if they do not like it and can choose another channel.

At the end, two remarks: a) If you see Imedi and Radio Liberty in brackets, consider them as proper names but if you see them without brackets think whatever you wish. b) From the very beginning I have told you that the Georgian media behaved like the soviet media did for particular reasons. This is all.

Regional Media

Harassment

In this topic you will read how the regional media journalists were physically injured by the local government and law enforcement agencies.

An Editor of the Gurjaani Regional Newspaper has been Beaten⁴⁵

Editor-in-chief of the Gurjaani regional newspaper "Imedi" has been beaten.

⁴⁵ Information of the Agency *Media News* available on: www.humanrights.ge.

According to the victim, an unknown person attacked him when he was returning home. The assailant hit him several times on his head with a heavy object. Mtvlishvili says that the incident must be in some connection with the recent articles published in the newspaper, which criticized the law enforcement bodies.

A Gurjaani regional police department is investigating the incident. After being released from the hospital, the victim continued his treatment at home. As Akaki Sikharulidze, the Gurjaani Gamgebeli (local governor), told “Media News”, the investigation will clarify whether Mtvlishvili was beaten for his journalistic activities or not.

Journalist was Beaten up in Gori⁴⁶

The regional correspondent of the G.H.N. information agency, Saba Tsitsikashvili, was attacked near the railway station in Gori by three unknown individuals. The journalist was cruelly beaten up by the attackers and, suffering from heavy injuries, needed to be transferred to the regional hospital in Gori. According to Tsitsikashvili, the attacker demanded nothing. The journalist connects this incident to his professional activities.

A few days earlier, he was threatened by Revaz Gogiashvili, head of the judicial department of the regional municipality of Gori. Gogiashvili verbally abused Tsitsikashvili in the building of the municipality which, according to the journalist, was witnessed by several bystanders. In this regard it is interesting to note that Tsitsikashvili was in the process of writing an article about the “Dzevera” corporation that happens to be property of Gogiashvili’s uncle - Omar Bukhradze. This corporation was created on the basis of a Soviet agricultural union and possesses some plots of land and a couple of agricultural technical entities.

The journalist states that back in the time when Bukhradze was director of the corporation, he made it go bankrupt on purpose, which would provide him with the possibility to buy the entity for a low price. With these statements Tsitsikashvili seems to provide a possible theory for the attack sustained by him. Regional law enforcement departments have been notified about the current incident, details are being specified.

Journalists of Newspaper “Guriis Moambe” were Beaten⁴⁷

Head of the Guria Health, Labour and Social Welfare Department, Levan Skamkochaishvili, beat the head of regional, independent newspaper “Guriis Moambe”, Shorena Ghlonti, and the Chokhatauri-based correspondent of that newspaper, Giorgi Siradze, in his own office. The incident took place on July 28. (Guria is a region in western Georgia).

Levan Skamkochaishvili got a phone call in the morning of that day from the abovementioned journalists. He was asked to comment on a certain case. Skamkochaishvili invited them to his office where he attacked the journalists and broke Siradze’s photo camera and Ghlonti’s Dictaphone.

⁴⁶ Information of the Agency G H N available on: www.humanrights.ge.

⁴⁷ Information available on: www.humanrights.ge.

However, the journalists managed to save the audio recording of Skamkochaishvili's threats and swearing.

The incident took place at 11 am. Later, the journalists filed a complaint with the Regional Prosecutor's Office where they gave testimonies. The police launched an investigation into the criminal case under article 154 of the Criminal Code (illegal hindering of journalistic activities). The investigation is carried out by the Ozurgeti Police Department.

"Guriis Moambe" protests about the incident and declares that this is not the first time the representatives of the local Health, Labour and Social Welfare Department put pressure on journalists.

The newspaper asks the Georgian Minister of Health, Labour and Social Welfare, Lado Chipashvili, to immediately fire Skamkochaishvili. At the same time, the newspaper asks nongovernmental organizations and mass media outlets to react to that fact and show support.

The Ombudsman of Georgia expresses his concern over the fact and demands that the head of the Guria Health, Labour and Social Welfare Department, Levan Skamkochaishvili, be held accountable in accordance with the law.

The journalists do not know the exact reasons why Skamkochaishvili was irritated, but they exclude personal confrontation and connect the fact with the recent articles on health care problems published in the newspaper "Guriis Moambe".

Giorgi Siradze states, that he had no personal relations with L. Skamkochaishvili. On July 28, he returned from Chokhatauri and followed Shorena Ghlonti to the interview as a photo correspondent. He also remembered that three doctors were detained in Chokhatauri on charges of drug trading. The issue was covered in detail only by newspaper "Guriis Moambe". Giorgi Siradze notes that he had actively participated in the investigation of this issue and states that the aggression towards him might have sparked from that fact. It also should be noted, that during the incident, L. Skamkochaishvili addressed the journalists in the plural form stating that he would not give a comment to their newspaper. Therefore, the aggression of Skamkochaishvili was directed to the newspaper and its journalists in general.

L. Skamkochaishvili has not commented on the fact yet. It was impossible to contact him, as according to his family, he was not in the district and was unreachable over the telephone. An interrogation of Skamkochaishvili is planned for July 29.

Terror Is on the Way⁴⁸

A correspondent of the Georgian newspaper "Akhali Versia" ("New Version") and "Khalkhis Gazeti" ("People's Newspaper"), Saba Tsitsikashvili, was assaulted by three unknown persons. The incident took place near the Railway Station in Gori on the 5th of September. Physically injured, Tsitsikashvili was taken to the hospital. Supposedly, the attack was an answer to the journalist's recent works, as the aggressors did not steal anything from him. 2 Days before the incident, an unknown individual had already attacked Tsitsikashvili by throwing stones at him.

⁴⁸ Information available on: www.humanrights.ge.

Saba Tsitsikashvili has 2 years of work experience in the field of journalism. He does not usually write about harmless topics or about things that the government likes to hear. Tsitsikashvili owns materials uncovering illegal activities of the Governor of Shida Kartli. By the order of Mikheil Kareli, the local government took away land from peasants and used their harvest for private purposes. Supposedly, the attack sustained by the journalist was an answer to his recent works. Tsitsikashvili is accusing the government of organizing the assault. "I have reasons to believe that the attack was organized by the Governor or by the head of the region. I work on issues relating to the activities of the government in the field of the budget and contraband. In almost every field I was working in, I have found a trace of Kareli's financial interests."

The attitude of the local government towards Tsitsikashvili has always been negative. About 2 months earlier, the governor openly attacked the journalist in the village of Uplistsikhe. Kareli's bodyguard dragged Tsitsikashvili out of his car and did not allow him to enter the villages in the proximity of Gori. The witnesses of this incident have written letters to the Ombudsman. Threats against Tsitsikashvili from Kareli and those surrounding him were issued quite often. The journalist says that the chief of the Legal Department of the local government, Revaz Gogiashvili, was usually involved in them as well. According to the news agency "GHN", Gogiashvili disliked the fact that Tsitsikashvili was working on the issue of "Dzevera" company. "Dzevera's" owner is Gogiashvili's uncle - Omar Bukhradze. Dzevera Ltd, which is based on Soviet machinery and equipment, owns land in the region. A journalistic investigation revealed that Bukhreidze announced "Dzevera" bankrupt and bought it again for a very low price.

Kareli himself visited Tsitsikashvili in the Prosecutor's Office, where he was taken after hospital. He accused the police of being inactive and connected the case of the journalist to the difficult situation regarding crime in Gori. The other day, Kareli phoned Tsitsikashvili and offered him to pay all medical expenses, but the journalist refused. In spite of the blackmails and threats, Tsitsikashvili will continue working after he recovers. "Journalists have to continue their work and must not be afraid of anything. I love my job and I will go on with it,"- said Tsitsikashvili.

Former MP Davit Kapanadze will Pay Fine of 8000 Lari for Having Beaten Journalist⁴⁹

The Tbilisi Appellate Court did not change the verdict against former MP Davit Kapanadze passed by the Lagodekhi District Court.

On October 9 2006, Davit Kapanadze physically assaulted Ramaz Samkharadze, director of Radio Hereti because of a news item broadcast on the radio. The case was launched under article 154 of the Criminal Code which deals with the illegal hindering of journalistic activities.

The Lagodekhi District Court fined Davit Kapanadze 8000 lari.

Davit Kapanadze appealed the Lagodekhi District Court's verdict at the Tbilisi Appellate Court; however the latter also found him guilty and did not change the decision.

⁴⁹ Information of the Agency *Media News* available on: www.humanrights.ge.

Treatening

Not everyone dared to injure the journalists physically, therefore, they used other methods – for example, threatening, several kinds of influence, some of them were threatened with arrest, raiding of their houses, or with losing their jobs.

Mikheil Kareli Accused of Assaulting Journalist⁵⁰

Saba Tsitsikashvili, a journalist for "Akhali Versia" (New Version), has accused Mikheil Kareli, the representative of the President for the Shida Kartli region, of violent behaviour. At a press-conference held at the Liberty Institute, Tsitsikashvili said that on April 26 he was intending to enter the village of Uplistsikhe in order to take pictures of the population damaged by the flood, and to prepare an article for the newspaper. However, Mikheil Kareli did not give him a chance to do so.

According to Tsitsikashvili, Kareli dragged him out of his car and then verbally and physically assaulted him. He then told him in a sarcastic tone: "Now you can write the article". The journalist said that there were plenty of witnesses, and that the camera crews of two television companies, "Trialeti" and "Rustavi 2", were there, however he is not sure whether they filmed the incident. He claims that the Minister of Environmental Protection and Natural Resources also witnessed the confrontation. Tsitsikashvili intends to file suit regarding the incident, demanding an investigation.

In Kakheti, Journalist's Life is under Threat⁵¹

The Human Rights Centre expresses its concern over the potential dropping of the case, launched on the 8th July, 2006, about a journalist, Marina Gogoladze, in whose bag a bullet was planted by Gia Lomidze, the Deputy Head of the Lagodekhi District Police Department. The Centre also expresses its concern over the threat made against the journalist.

Police planted a Makarovi bullet in the bag of the correspondent of the regional Kakhetian newspaper 'Imedi' when she was interviewing the police officer in the yard of the regional department. Having planted the bullet, the police officer firmly insisted to search her bag; the incident was witnessed by Khatuna Gogashvili, correspondent for radio 'Hereti'.

Later, Marina Gogoladze found a bullet in the bag in the presence of some witnesses. Thus, she appealed to the Lagodekhi District Police Department and produced the evidence. A criminal case on the incident was launched after the Human Rights Centre, the Public Defender's Office and journalists had shown an interest in the case. During the preliminary investigation Lomidze tried to blackmail Marina Gogoladze several times. He even sent mediators to her house, Khvicha Djashiashvili, an official of the Ministry of Internal Affairs, was among them. He used to work with the Lagodekhi Police before. Marina Gogoladze was threatened to be murdered if she did not withdraw the complaint. The police threatened her family members as well.

“Despite the criminal case launched on the 24th July, Marina Gogoladze is still questioned as a witness and she is not found a victim yet even though she has been suffered immaterial damages,”

⁵⁰ Information of the Agency *Media News* available on: www.humanrights.ge.

⁵¹ Information available on: www.humanrights.ge.

they state at the Kakheti branch of the Human Rights Centre. “Initially the investigation was carried out by the Gurjaani District Prosecutor’s Office, but later it was transferred to the Investigation Department within Kakheti Regional Prosecutor’s Office. The Deputy Prosecutor of the Kakheti Region, Vazha Maghradze, states that the reason for this transfer was Gurjaani District Prosecutor being very busy and thus Avtandil Zubashvili will go on with the investigation. Having gotten in touch with the latter for comments on the incident, he insulted us and accused us of being impolite. It turned out that the case had become his after we had shown a great interest in it. It is evident he does not find the case of the journalist to be very important and he does his best to keep Gia Lomidze from being detained. Lomidze still holds his position and the most surprising is that there is no accused in the case.”

The HRIDC demands a response from relevant bodies.

Head of the Interior Ministry’s Department Threaten the Journalist to Detain⁵²

Shota Bezhanishvili, the head of the Gurjaani Department of the Ministry of Internal Affairs threatened Gela Mtvlishvili, a journalist for the Human Rights Centre.

According to Mtvlishvili, citizens informed him over the telephone that, though they had paid the electricity bills, they had had their electricity cut off. They asked the journalist to disseminate information regarding the situation. After he arrived, the journalist got in touch with the deputy governor of the Gurjaani Municipality, Valeri Vardosanidze. “I told him that the people were furious and they were going to switch the electricity on themselves. In order to avoid this, I asked him to supply the people with electricity. Vardosanidze promised me to meet with the people. He arrived together with police officers. I do not know what Vardosanidze had told the police, the deputy head of the police department asked me to make a report. I refused him and after that Shota Bezhanishvili threatened me. He told me: “I do not care about your human rights, be careful, you might be put in an isolation cell. Keep in mind that this could happen to you too.”

The journalist pointed out that Bezhanishvili has close relationships with Temur Anjafaridze, the head of the Kakheti Department of the Ministry of Internal Affairs. Mtvlishvili connects the threats to an article he published several days ago. In the article he wrote that the accused and a former head of the Kakheti Criminal Police, Gocha Nazhghaidze, accuses Anjafaridze of drug dealing.

The Human Right Centre is deeply concerned over the situation and calls on relevant bodies to respond to the incident.

Trialeti Television company Accuses the President’s Representative in Shida Kartli of Oppression⁵³

The board of the regional Trialeti media company stated that Mikheil Kareli, the president’s representative in Shida Kartli, oppresses them in order to get a hold of their company.

The January 3 announcement, disseminated by Trialeti, stated that one year ago, Kareli offered several millions of dollars to the board of the company in exchange for the company.

⁵² Information available on: www.humanrights.ge.

⁵³ Information available on: www.humanrights.ge.

The oppression started when the board for the company turned down Kareli's offer. The local government particularly oppressed Trialeti by creating artificial financial problems for them. Businessmen and officials from various organizations avoid cooperating with the company in order not to have problems with the government.

Representatives of the Trialeti promised that despite the oppression, they would continue working "as a result of public support and the efforts of the company's employees."

Telavi Authority Continues to Oppress Local Television Station ⁵⁴

Financial police raided the Telavi-based television company 'Tanamgzavri', tried to arrest its director and insulted and physically assaulted employees of the company during last two years. At present, the only independent company of the district, 'Tanamgzavri' was left without an office in Telavi. The weekly programme 'Dialogue' has not been broadcast for two weeks now.

Employees of 'Tanamgzavri' left the office before court bailiffs forced them out. A long lasting argument between the television company owners resulted into a verdict of the Georgian Supreme Court. According to the court's decision the building of the company belongs to Zurab Kumsiashvili, the former director and one of the shareholders of the company. He owned 40% of 'Tanamgzavri'.

However, 'Tanamgzavri' has not ceased its activities and still broadcasts its daily news programme, 'Macne'. However, the weekly programme 'Dialogue' has not been broadcast for two weeks now.

Television programme 'Dialogue' was broadcasted every Thursday. It focused on the most important events in the Telavi district. The audience could watch the debates of the guests about current problems in the district and ask questions or express his/her attitude regarding the topic. The programme lasted for an hour. Despite our requests, representatives of the local government categorically denied to take part in the programme. At present, the programme has ceased its broadcasting; we do not have accommodation. We cannot say exactly when we will have an office," said Nato Megutnishvili, the host of the programme.

The television company has found temporary shelter in the Kakheti office of the NGO Centre for the Protection of Constitutional Rights. It has only four rooms. As far as we know, the board of the 'Tanamgzavri' has held negotiations with several people to rent accommodation for its office. However, all negotiations failed. "Vano Akhalmosulishvili, founder of the 'Tanamgzavri' and I had negotiations with several people to rent office space. We had nearly agreed with the person who owned space in the old college building. We had agreed on the price too; however, finally he refused. He said that if he signed a contract with them he would have problems with people from the District Administrative Board," said the director of 'Tanamgzavri', Enri Kobakhidze.

-Did he tell you who exactly threatened him?

-Yes, he did. In a private conversation with us he told us his name, but officially he refuses to say anything. That person is Gocha Mamatsashvili, present Chairman of the Telavi Municipality and the former temporary Governor of the District.

⁵⁴ Information available on: www.humanrights.ge.

One of the company's founders, Vano Mosulishvili, confirms negotiations regarding renting an office space had failed. He said that the company is still looking for an office. However, everybody refuses to talk about the case with them. "They do not show an interest, not even about the price we are offering them," said Vano Akhalmosulishvili.

Regarding the charges, the Kakheti office of the Human Rights Centre got in touch with Gocha Mamatsashvili, Chairman of the Telavi Municipality. "I do not care what employees of the television company say. Do they still exist...? Do not call me about such nonsense any more, I prohibit you!" said Mamatsashvili and hung up.

Lela Taliuri, head of the Telavi branch of the Georgia Young Lawyers' Association (GYLA) is concerned and dissatisfied about the conflict between the Telavi District Government and 'Tanamgzavri'. "It is a pity that 'Dialogue' has ceased its activities. I hope it is only a temporary problem. The Telavi people do need such a television station and programme. At least, it was the only independent media source in the district and aimed at highlighting local information objectively. It should be pointed out that the argument between Tanamgzavri's shareholders goes on and I think the local authorities may support one of them in exchange for a deal," said Lela Taliuri.

Giorgi Gelashvili, resident of Telavi, stated that the independent television company should work in the region. "Of course, we watch Telavi TV. We have information about their problems as well, but society is very inert. Thus Gocha Mamatsashvili dares to do whatever he wants," said the man.

Head of the club of the Kakheti based non-governmental organizations, Tinatin Pkhovelishvili warned Gocha Mamatsashvili: "Who is speaking the truth and who is not, will soon be found out. I advise Mamatsashvili to speak to independent journalists more politely so he will not be detained. Besides that he should draw his attention to the conclusions of the financial police according to which some financial violations have been found in the Administrative board."

"Push Them Out!" - Journalists were Kicked Out from the Administrative Board Meeting⁵⁵

On December 8, 2006, a municipality meeting was planned. The agenda on the notice board said that the members of the board were to elect a district governor and make amendments to the budget. The journalists from this region were abused once more.

"I remember Gurjaani without electricity on August 10, 2006. Ugly buildings, sad children and unemployed youth typified the town. I arrived here with my experience; personal contacts were all too important during the electricity crisis. My arrival here had an effect on the district. We now have electricity, water and sometimes gas. We have gone through a period of instability. We also held elections, and because of our effort, we are now here...That is why I cancelled my candidacy in the election for the Gurjaani Municipal Governor. I want to thank all the people sitting in this hall," said the former temporary governor of the Gurjaani District, Kako Sikharulidze. His speech was followed by a storm of applause and embarrassment. The officials did not stop there, and Zurab Kheviashvili, the chairman of the Administrative Board, ordered the journalists to leave the hall in front of the video cameras. He said, "We declare the meeting closed and order all journalists and representatives of NGOs to leave the hall." Despite Kheviashvili's order, only members of the local national party left the hall. Among those who were forced to leave, were Ramaz Kerechashvili, a

⁵⁵ Information available on: www.humanrights.ge.

candidate for Municipal Governor, and the people who had not yet been appointed to their new positions on the administrative board.

The chairman of the Administrative Board shouted at journalists and representatives of NGOs in reply to their demand to explain why the meeting was closed. "Do not teach me. I consider it necessary, and that is reason enough! Do you agree with me, my colleagues?" Every member of the administrative board raised their hands in support of his decision.

The bailiff of the Georgian Parliament and member of the Administrative Board, Murtaz Shaluashvili, as well as Avtandil Gabelaia, a former member of the Mkhedrioni paramilitary group and current National Movement member, opposed journalists. "Unless you leave the hall immediately, we will go out and give a statement that you have prevented our work, and we will inform the police as well." They also tried to physically assault the journalists. "Let me teach them a lesson. Why do you allow them to speak so much? Who cares about public information," said one member of the Administrative Board, as he was pushing the journalists into the street.

"It is not only a violation of the Georgian Constitution and the Georgian Common Administrative Code, but it also proves that the Gurjaani District Authority does not care about the policy of Gia Natsvlishvili, the President's new representative to the Kakheti Region. Natsvlishvili announced to journalists several days ago that the government was about to cooperate with journalists according to the law, but this did not occur. We demand respect of our rights as envisaged by the law... We could not understand why they were saying "kick them out". Georgians centuries ago were driven out by Mongols, and if these people think that we will put up with this again, they are very much mistaken. Besides that, most of the members of the municipality do not know the meaning of self-government. They can neither read nor write properly. We will do our best to get a hold of the meeting's minutes and actions taken, and then we will bring suit against them," said a representative of the Kakheti office of the Human Rights Centre. They had been insulted by Ramin Eliozashvili, the chief political advisor to the Gurjaani Municipal Governor. "I did not know Eliozishvili, and so I explained to him over the phone that I was a journalist and that I was demanding public information from him. In reply, he insulted me. Finally, he threatened me, "If you are offended, I do not care...unless you mind your own business, I will make you regret it," said the representative.

Nona Kadagishvili, correspondent for the Gurjaani television company, did not comment on these facts with us. "I am very insulted, but the policy of the television company does not let me express my anger," she said. The Gurjaani television company is financed out of the regional budget for informational services by the Gurjaani Municipality Administrative Board.

"The Gurjaani Administrative Board has insufficient staff. The reason for this is not that the people cannot see what is happening. The problem is that local people were not given a chance to make a choice. During the elections, the current officials offered the voters those people who they wanted themselves. There is anarchy in the Administrative Board. Officials from the Administrative Board have demonstrated their ignorance. They started their board meeting with mistakes. The agenda was put up several minutes before the meeting and it did not say that the meeting was going to be a session. It should not have been closed, because a new governor was to be elected at that meeting. However, the journalists were kicked out because government secrets were being discussed. Later, I found out that the secret issue was an increase in the expenses for the quarters' repair works," said journalist, Leila Murakashvili.

The Administrative Board proceeded with the meeting while journalists were expressing their discontent outside the building. Ramaz Kerechashvili from the National Movement was elected as a governor. The reason given for the closed meeting was the amending of a decree regarding the budget. An expensive renovation is being carried out in the building of the Gurjaani Administrative Board, and this expense was not planned for the budget.

Thea Alaverdashvili, the chief of the Public Relations Department within the Gurjaani Municipality, refused to comment on the facts. She also attended the meeting.

Aleksandre Sirbilashvili, the Deputy Head of the Administrative Board, took the initiative to explain the reason for declaring the meeting closed. "According to the Georgian Organic Law on Local Authority, Article 25, Section 3, the meeting of the Administrative Board must be public. However, under section 4 of the same article, if the questions on the agenda include some details that must not be made public, the meeting can be closed," said Sirbilashvili.

Lela Taliuri, a lawyer for GYLA, told HRIDC that the Administrative Board must hold its meetings publicly under the Georgian Administrative Code, article 32, except in circumstances envisaged by article 28 of the same code. According to the last article, the issue should not be a state, commercial or personal secret. The first four topics in the agenda of the meeting on December 8 did not fall into any of these exceptions. I cannot tell you what they were going to discuss under the fifth topic with the title "various". At the least, they have breached the law by closing the meeting during the discussion of the first four topics".

We tried to call the Kakheti Regional Governor regarding the closed meeting several times but to no avail. His press secretary, Mari Shashviashvili, told us that Mr. Natsvlshvili had left his mobile phone in the car." According to the official information, Natsvlshvili was busy with his visit in the village of Ziari, in the Gurjaani District. He attended the ceremony for opening the farm of the businessman and poet, Sergi Kakalashvili, who was much praised by the president a short time ago.

Editor-in-chief of Newspaper "Rcheuli" is being Threatened⁵⁶

Adjara-based independent newspaper "Rcheuli" has been founded recently. The newspaper has been regularly published for one month only. 6 Issues have been published so far, the editor-in-chief of that newspaper, Maia Salukvadze, says somebody tried to run her over with a car three times.

According to Maia Salukvadze, due to the articles published in her newspaper, she is being physically and psychologically pressured. Several days ago, a car hit her in front of the newspaper's office, she got a brain concussion. Later, she held a briefing together with her colleague journalists; non-governmental organizations and opposition parties were also invited to the briefing.

The victim says she is being targeted intentionally: "It was not the first time I was attacked. When the first issue of the paper was published a car moved in my direction, it almost hit me, somebody shouted from that car: "you have got a big mouth, if you do not behave you are going to regret it". Salukvadze did not remember the car's license plate, however, she says it was a black Mercedes.

The editor cannot say who is threatening her. "I do not know exactly who is doing this, several people have called and threatened us already". Salukvadze believes that the pressure is coming from

⁵⁶ Information available on: www.humanrights.ge.

the local authorities. "They have threatened to close us down, but they will not scare us and make us change the way we work," she says.

Khobi Police Chief Detains Journalists from Zugdidi Bound for Tbilisi⁵⁷

Koba Khubulava, chief of police in the Khobi district, ordered journalists from the magazine Dioskuria and supporters of Konstantine Gamsakhurdia to be detained. Sixteen passengers were asked to get off a mini-bus and were then taken to the police station. After searching and interrogating them, police officers released the group and sent them to Zugdidi. The same group was detained a second time, however, in Zugdidi on their way home. The passengers of the mini-bus intended to go to Tbilisi to attend a protest demonstration.

As transportation to the capitol has been blocked as of late, not only from Zugdidi but from the other districts in the Samegrelo region as well, a group desiring to join in the protest demonstration decided to go to Tbilisi in secret. A mini-bus was waiting for nearly 16 people in Kedia Street. Supporters of Konstantine Gamsakhurdia and journalists for the magazine Dioskuria were taking cars to the loading area every so often to maintain secrecy. At 6:00 PM, the mini-bus left Zugdidi for Tbilisi. Near the Khobistskali River, police officers stopped the mini-bus.

Koba Khubulava personally organized the "special operation" against the bus' passengers. Both the driver and passengers were taken to the Khobi Police Station. After an hour-long search and interrogation, the men, who had been placed in pre-trial detention cells, were released. Goga Farjanadze said, "We then were taken into the chief of police's quarters. They recorded our addresses and identities. They took our photos with mobile phone cameras. They insulted us and then accused us of being paid five lari to go to Tbilisi to attend the demonstration. It was false, of course. We are citizens of this country and we were obliged to attend the demonstration. We wanted to express our opinions."

Khubulava threatened the driver of the mini-bus so severely that the driver, after being kicked out of the police station, forgot to pick up three of his passengers from the centre of Khobi. The forgotten passengers - Marine Damenia, editor-in-chief of the magazine Dioskuria, journalist Natia Khubulava and Tato Chanturia - were finally picked up and returned to Zugdidi by Bagrat Kiria, the Public Defender's representative there.

After arriving in Zugdidi without incident, the passengers were detained by local police officers for a second time. Police officer Irakli Akhalaia took Tato Chanturia, Giorgi Chanturia, Mamuka Kukava and Goga Farjanidze to the Zugdidi police station. Several minutes before the detention, opposition supporters had noticed Vakhtang Gabelia, an official from the Department of Constitutional Security, in a car with the license plate number of VOV 123. The passengers figured that Gabelia had informed the police about the arrival of the mini-bus in town. Despite the danger, the passengers did not leave the area. "As I was a juvenile," Mamuka Kukava recalls, "officials from the Zugdidi police station called my father and informed him that I was going to Tbilisi to attend the demonstration. The police had only one goal, which was preventing us from going to the demonstration. After we were determined to not be using narcotics, we were allowed to go home."

Representative of the Public Defender Kiria wanted to visit the people placed in the isolation cells in the Zugdidi Police Department, but soldiers, who had been called to guard the police station, refused

⁵⁷ Information available on: www.humanrights.ge.

him entry. “I explained to soldiers that a representative of the Public Defender has the right to enter a detention centre at any time without any obstacles,” Kiria says. “Later, the soldiers explained to me that the police officers on duty refused to meet me. I drew up a document in response to my being barred from the detention centre.”

All four detainees were examined for traces of drugs. Mamuka Kukava and Goga Farjanidze were released by 1:00 AM. Tato and Giorgi Chantuaris were released by 3:00 AM. “For reasons which are not clear,” Chantuaris says, “Tato and I were released later than the others. Tato is my uncle though he is only one year older than I am. He is seventeen. Both of us were examined for any signs of drugs. The results were negative. Police officers treated us rudely and indignantly. They wanted to know why we were going to Tbilisi. They accused me of setting up a gang that was going to attend the demonstration in the capitol.”

Marine Damenia stated that yesterday’s incident was a clear provocation. “On November 5th, at 11:00 AM, a certain person, who identified himself as Zurab Berulava, called me on the phone. He threatened me, saying, ‘I swear you will not go to Tbilisi, believe me I will not let you.’ I think that the incident yesterday was the result of that threat. Berulava seemed to follow the orders of the Special Forces... We are journalists who are professionals interested in current events in the country. We wanted to gather information to prepare articles, not to make any kind of statements against the government.”

Konstantine Gamsakhurdia, leader of the Tavisufleba political movement, responded to the situations in Khobi and Zugdidi from Tbilisi. “The government harasses people so much that their fundamental constitutional and human right to free movement has been violated. It is evident that our government is at the edge of collapse. I wonder what these people think of their government? It is only a colourful, unsteady, fragile creature. The authorities cannot be headed by violators and lazy leaders like Saakashvili, Merabishvili, Bokeria, Adeishvili and Akhalaia.”

Censorship

And no one has forgotten the censorship - the main method of media restriction, of course; the prohibition of video surveillance in the courts and refusing to comment to journalists.

Reckless Actions of the President’s Representative in Shida Kartli⁵⁸

The President’s representative is destroying the credibility of the government and undermining the society’s trust. The media and freedom of press are under serious pressure in Shida Kartli. All materials that are covered by mass media are first censored by Mikheil Kareli. Those journalists trying to objectively cover the situation in this region are often intimidated by the local governments, including criticism from Mikheil Kareli, and they become targets of threats and pressure, frequently losing their jobs. There is an obvious tendency in the region to divide journalists into two categories: the desirable and undesirable. The undesirable journalists are the correspondents of “Rustavi 2” - Giga Aphtsauri, his spouse, the journalist for channel “Mze” Natia Omadze, the journalist of the newspaper “Akhali Versia” Saba Tsitsikashvili, reporters for newspaper “Khalkhis Gazeti,” and others.

⁵⁸ Information available on: www.humanrights.ge.

The relations worsened between ‘Akhali Versia’ journalist Saba Tsitsikashvili and the governor of Shida Kartli, Mikheil Kareli, when the journalist issued a series of articles accusing the governor for misuse of power. These articles concerned Kareli’s business interests in the big business of smuggled contraband. Tsitsikashvili also mentioned in the article that relatives of Mikheil Kareli and Irakli Okruashvili could not agree on how to divide this “business” and a conflict erupted between them.

The journalist emphasized material about suspicious financial sources which were transferred to the governor’s fund, the amount of which was colossal. Various private and juridical entities transferred large sums of money to the governor’s fund, despite their own less than wealthy financial state. The journalist posed several questions about what motivated these firms to transfer such large sums and suggested that, perhaps, Kareli used blackmail or extortion.

“Mikheil Kareli embezzles money from small entrepreneurs in Shida Kartli, and by means of blackmail and threats accumulates his own funds. In cases of defiance, he threatens his victims by “score settling”, or even with arrest. Those who paid money preserved their firms; those who refused were arrested,” said Saba Tsitsikashvili, adding that he personally knows the director of the Gori Market, Gemal Tsiklauri, who was sentenced to four months preliminary detention because he refused to hand the market over to the governor.

When Tsitsikashvili’s critical articles came to light, Mikheil Kareli began to call the journalist and threaten him in order to get him to stop writing about these dealings. Tsitsikashvili was removed from the post of the editor of the local channel “Trialeti,” an occurrence the journalist links to Kareli, but the governor continued to call to the channel’s office demanding his complete dismissal from the channel. He also contacted the head of the newspaper “Akhali Versia” and demanded Tsitsikashvili’s dismissal, but because he was not able to prove the falsity of documentation the journalist had cited against Kareli, the paper’s head refused to fire Tsitsikashvili.

The conflict reached its climax in the village Uphlistsikhe where Tsitsikashvili came to highlight a raging flood in the village, but Mikheil Kareli prevented him from entering the village and abused him, with the governor’s guards forcing him out of his car. This event was witnessed by villagers and journalists who were there at the time. According to Saba Tsitsikashvili, Kareli gets rid of undesirable journalists, even from the local mass media, simply by complaining to the heads of the channels and newspapers. He said that the government does its best to make the truly critical journalists stop their activities. Tsitsikashvili also stated that journalists encounter a lot of problems from local authorities as well, including not cooperating with disseminating public information and attempting to isolate journalists.

If the article issued in a paper or the information highlighted by a channel is too critical for him to be desirable or acceptable, Kareli does not hide his displeasure: he threatens the journalists and uses psychological pressure against them.

Correspondent for “Rustavi 2” Goga Aphtsiauri stopped working there after he revealed information that incurred Kareli’s indignation. The matter concerned a gift of fertilizer to agrarian residents of

South Ossetia several months ago during a time when Ossetians refused to receive any help from the Georgian side. Aphtsiauri highlighted this story on “Rustavi 2”, and the governor personally criticized the journalist’s reporting and expressed his displeasure to him.

The governor also used pressure against Natia Omadze, the correspondent of the channel “Mze”, when she switched with her husband Goga Aphtsiauri for a live commentary including comments about the movement of smuggled contraband in Shida Kartli. The Shida Kartli’s bureau of “Mze” was closed after Saba Tsitsikashvili shot footage which showed that contraband was being sold in one of Gori’s supermarkets. The supermarket is owned by relatives of Kareli. The journalist emphasized the governor’s business interests in this piece, triggering Mikheil Kareli’s indignation. The bureau of “Mze” in Shida Kartli was subsequently shut down.

Journalists working in Zugdidi do not appreciate the draft law on prohibition the audio-video recording of court hearings ⁵⁹

Journalists from the Samegrelo Region oppose the initiative of the Committee on Legal Affairs of the Georgian Parliament. The draft law is about the prohibition of audio recording of the court hearings. The journalists say that the prohibition will prevent them to carry out their journalistic activities and to introduce the society with complete information.

Thea Shonia, regional correspondent for the Radio Tavisufleba, said that the draft law will prevent the transparency of the court proceedings. “If we want a democratic and independent court, I think the attendance of mass media at the trials should be one of the most important factors. I, as a journalist, condemn the prohibition of video-recording of the court hearings.”

Head of the Imedi TV’s Samegrelo Office, Guga Lagviva, opposes the draft law. “Similar prohibitions will prevent us from our journalistic activities. Television cannot work without video-recordings. Journalists must introduce video material together with complete information, otherwise it has no sense. The history must be supported by video materials. There is also another factor and it will badly tell on reliability of media; because the journalist will fail to prove his/her information. In many cases we could not prove our truth with video materials,” said Lagvilava. His answer to the question why the authority introduced this draft law, was the following: “I think the authority does not want the society to know about the faults in the judicial system. Every trial, which I have personally attended, was biased. Through restriction of the media, the authorities try to hide the faults in the judicial system as well as the fact that the court is not an independent institution, but a branch of the Prosecutor’s Office.”

Journalists, working for local media organizations, assess the draft law as preventing them from executing their journalistic activities.

Tamuna Shonia, a journalist for the Radio Atinati, said that if a journalist has his/her professional rights violated, they will not be able to reveal stories completely. “If you cannot record the court hearing, you feel like washing your face with one hand. Consequently, we will not be able to cover any of the trials properly. Neither in the past did we enjoy our rights during trials. I mean we could publish the information only unilaterally because judges never made comments to journalists. For example, I attended Nora Kvitsiani’s trials for one month, but only the lawyers of the accused

⁵⁹ Information available on: www.humanrights.ge.

commented on the situation to us. The judge could control the whole hall very well. He particularly paid attention to me, my facial expressions and behaviour very often made him order me to leave the hall. I think similar sanctions will create more problems for journalists to reveal problems impartially.” said Shonia.

Lasha Gogilava, television company Odishi: “Of course we will have problems if we are not allowed to use recording equipment during the court proceedings. If state secrets were discussed during the trials the hearings are closed; but there are court hearings when famous criminal cases are discussed and the society is particularly interested in them. I think such a restriction will encourage public mistrust towards journalists. “

Zaza Kvatsabaia, a lawyer and coordinator for the Zugdidi office of the Human Rights Centre, said that adoption of this law is unreasonable considering the current situation of the judicial system. “I condemn the prohibition of using the video-audio recording during the court hearings when there exists such an alarming situation in Georgia. The society receives information about the judicial system when famous court hearings are observed; during those trials the prosecutor acts instead of the judge and judges play the role of simple notaries. Although the draft law does not abuse democratic values and similar restrictions also exist in other European democratic countries; unlike Georgia, their judicial systems are really independent,” said Kvatsabaia.

Attempts of Censorship on Adjara TV⁶⁰

The head of the newsroom of ‘Adjara TV’ accuses the legislative majority of Adjara of pressure. Several members of the majority criticized ‘Adjara TV’ at today’s session of the legislature, complaining that the channel does not allocate an appropriate amount of time to them. For Avtandil Bedjanidze, an MP, “television may have its own positions but when this television is financed by us, it should not be against us and should not show the opposition first. There must be opposition as well but the majority must also have the opportunity to make comments”.

“If deputies think that people are interested in the amendments taken in this or that legal act, they are wrong. People are interested in those amendments that affect them directly. Deputies should not interfere with the work of journalists. This is an attempt to pressurize us and we are not going to heed to these warnings,” said Natia Zoidze, head of the newsroom of Adjara TV.

NGOs working in Adjara consider the instance to be serious. “It seems that the deputies of the Adjara High Council need a seminar on what freedom of speech means,” said Aslan Chanidze, chairman of the Adjarian branch of GYLA. According to the head of the newsroom of ‘Adjara TV’, the deputies used to express their dissatisfaction by telephone earlier.

A few months ago, the former head of the newsroom of Adjara TV, Nata Imedaishvili, protested against attempts to put censorship on the television company. After that, the Adjarian government dismissed the head of ‘Adjara TV’, Zaza Khalvashi, after which the new head, Evgeni Khalvashi, at his turn dismissed Nata Imedaishvili.

⁶⁰ Information available on: www.humanrights.ge.

During 2006 , the efforts to pressure journalists were successful. The names of those journalists who were forced to work in this tense situation are known. Although there is no response to any of the incidents. Law enforcement officials failed to protect the rights of journalists and not a single case has been concluded.

According to statistics, rights of independent journalists are violated particularly in the Kakheti Region. Law enforcement bodies did not bother to investigate incidents in 2006, either.

According to a journalist in Kakheti, **Zviad Ruadze**, in January 2006, after he had published articles in a Kakheti newspaper, he was insulted and threatened with death unless he stopped delving into political matters. Although the journalists appealed to law enforcement officials, nobody paid attention.

In February, 2006 Mr. **Enri Kobakhidze**, director of the Telavi television company ‘Tanamgzavri’ was detained for hooliganism. This followed the financial police raid of the television company, which hindered the company from operating. Ms. Natela Jashiashvili, judge at the Telavi District Court bailed Enri Kobakhidze 15 GEL. Employees of ‘Tanamgzavri’ connect the facts of oppression on their company with Mr. Gocha Mamatsashvili, the temporary Governor of the Telavi District, who does not answer journalists’ questions.

On February 7, 2006 a criminal case was launched under Georgian Criminal Code article 239, section II (a, b), against journalists Mr. **Gela Mtvlishvili** and Mr. **Roman Kevkhashvili** at the Telavi Department of the Ministry of Internal Affairs. According to the Kakheti Regional Prosecutor’s Office, a preliminary investigation was launched on the basis of the Telavi District Administration Board’s letter stating that on January 31, 2006 the aforementioned journalists insulted representatives of the Local Government and behaved like hooligans. In fact the journalists, having arrived at the Administrative Board, were physically insulted by the Telavi District Deputy Governor, Mr. Gia Papunashvili and Mr. Nodar Faradashvili, the Chief of Organization Department within Administration Board. Mr. Papunashvili threw a chair at Mr. Gela Mtvlishvili and Roman Kevkhashvili was pushed down the stairs by Mr. Nodar Faradashvili.

On March 6, 2006, **Gela Mtvlishvili**, journalist for the HRIDC Kakheti office applied to the Gurjaani District Prosecutor and the Gurjaani Department of the Ministry of Internal Affairs, however nobody showed any interest in his being threatened with death, which he mentioned in the application. At that time, the head of the Gurjaani Police Department, Archil Bozhadze insulted Gela Mtvlishvili, when he arrived at the police station requesting a response from them. The threats followed an attack at Mr. Mtvlishvili, which resulted into the journalist’s brain concussion. Besides that, bombs exploded in his yard twice. All these cases have not been investigated at all.

Tamar Makharashvili, correspondent for Kakheti Regional newspaper ‘Imedi’, applied to Kakheti Regional Department of the Ministry of Internal Affairs. She points out in her apply that Boris Mamisashvili, Chairman of the “Union against Economic Crime, Smuggling and Corruption’ has blackmailed her several times and prevents her from exercising her professional activities. Ms. Makharashvili has applied to the police department before, regarding the oppression experienced on her but in vain. Soon, Ms. Tamar Makharashvili was prevented by Mr. Akaki Sikharulidze, the temporary Governor of the Gurjaani District, and by Paata Jachvliani, operator for local television. They forbade her to enter the building of the Administration board; otherwise the operator threatened her with physical assault. This incident was not investigated either.

On June 15, 2006 members of the local branch of the ruling party, Ioseb Nanobashvili, Jemal Demetrashvili, Vasil Munjishvili and the teachers of the Public School in the village of Vakiri dispersed the theatrical demonstration organized by the representatives of NGOs in the area of the Councillor's office in the village of Anaga, Signaghi District. They were severely insulted and physically assaulted; their microphones, photo and video cameras, Dictaphones were broken, the video tapes were seized from them. The journalists - **Roman Kevkhishvili, Zviad Ruadze and Gela Jaliashvili** - were injured. Though the victims called for help, the officials from the District Police Department and the Kakheti Regional Department of the Ministry of Internal Affairs arrived at the scene when the dispersers had realized their intentions. Those police officers who witnessed the fact did not do anything; moreover they took part in assaulting the journalists. The investigation neglected the appeals and mediations of the victims; besides that Khvicha Kikilashvili, a judge at the Signaghi District Court, released the detainees Mr. Ioseb Nanobashvili and Vasiko Munjishvili from the court hall after they posed bail. As for Jemal Demetrashvili, he was granted bail at the very beginning by the judge.

On July 8, 2006, Gia Lomidze, the Deputy Head of the Lagodekhi District Police Department, planted a 'Makarovi' bullet in the bag of Ms. **Marina Gogoladze**, correspondent for the newspaper 'Imedi', whilst she was interviewing awitnesses in the yard of the District Court. The journalist appealed to the Lagodekhi District Police Department. A criminal case was launched on the fact, which initially was demanded by the Gurjaani District Prosecutor and then by the Kakheti Regional Prosecutor's Office. Ms. Marina Gogoladze is not considered a victim in the case. The police officer Gia Lomidze and others try to falsify the case. They threatened to kill her, unless Ms. Gogoladze withdrew her appeal from the police. The journalist informed the Prosecutor's Office about the incident, but there was no response to the case.

Ms. **Maia Mamulashvili**, editor of the newspaper 'Kakhetis Khma', was injured on 24 July, during a demonstration held in front of the JSC 'Kakheti Power Distribution' Gurjaani Service-Centre. She was insulted by police officer Davit Chumburidze, brother of the Centre's Manager, Khatuna Chumburidze, and he broke her camera. Ms. Maia Mamulashvili filed a complaint with the police station but in vain.

On September 12, the Sagarejo District Temporary Governor, Garsevan Bukhnikashvili, insulted **Mishiko Lazashvili**, correspondent for the newspaper 'Progress' and dismissed him from the Administrative Board meeting.

Prior to the local governmental elections, on September 28, Nana Kibishauri, press secretary for the 'National Movement' Kakheti Branch and the editor of the Kakheti based newspaper 'Chveni Gazeti' insulted correspondent for radio 'Hereti', Roman Kevkhishvili. The later filed a complaint about her with the police department, however his appeal was not paid attention to at all.

On October 9, 2006 at 12:00, former MP Davit Kapandze insulted and physically assaulted **Ramaz Samkharadze**, director of Radio 'Hereti'. Thus, former MP Kapanadze protested the topic about his past activities broadcasted on the radio. Before that, a National Movement representative, Gia Korganashvili, threatened Ramaz Samkharadze, director of Radio 'Hereti' to start court proceedings against him. According to information broadcasted by the radio, Samkharadze was threatened with kidnapping too.

On June 15, in Signagi, NGOs and the media, that was to cover a protest of the local 'Lawyers Developing Centre' NGO, were raided by members of the National Movement in the Signagi

Region under the instructions of MP Nugzar Abulashvili. Having assaulted the journalists both verbally and physically, they were raided and their cameras, microphones, dictaphones, and video tapes were seized. The journalists Roman Kevkhishvili, Zviad Ruadze and Gela Jaliashviliv were seriously injured.

The beating of the journalists continued for 40 minutes. The police officers were standing nearby looking at it. The journalists asked them for help, however, in vain. They addressed Temur Anjaparidze, the chief of the Police Department several times as well, but unsuccessfully. It was too late when the police officers decided to assist them.

On October 9, former MP Davit Kapanadze physically assaulted Mr. Ramaz Samkharadze, director of radio 'Hereti'. According to our information the former MP threatened the journalist with closing down the radio station, kidnapping him and killing his child. The incident resulted in Mr. Samkharadze being slightly injured.

Prior to the incident, Mr. Gia Korghanashvili, representative of the 'Joint National Movement' Lagodekhi Branch, threatened to close radio 'Hereti'. He complained to former MP Davit Kapanadze about the commentary broadcast in Radio Programme 'Mteli Kvira' (whole week). The commentary discussed a deal between the local authorities and Mr. Kapanadze. According to it Mr. Kapanadze dropped his candidacy long before the elections, since he was promised the position of District Governor in exchange.

Korghashvili threatened the director of 'Hereti', Mr. Ramaz Samkharadze, to hold a 'trial' in his own way if Mr. Samkharadze did not hand over the videocassette to him. The commentary bothered Mr. Akaki Mchedlishvili as well, who is the chief of the Cultural Department within the Lagodekhi District Administrative Board and, is about to appeal to the court. Mr. Gia Korganashvili also denies making threats towards the radio station. A criminal case on Mr. Samkharadze's assault has been launched at Lagodekhi Police Station.

No investigation has been opened on any case. Furthermore, according to the Georgian Regional Media Association, on February 22, 2006, Georgian law enforcement representatives in plain clothes, used force against the Azeri journalists Rasil Demirchlov and Aimaz Kalayev, representing the Azerbaijani television stations "Lider" and "ANS". They were filming a protest rally in the village of Damia-Gerarkh, Marneuli district. This rally was aimed to require the privatization of lands. The police officers verbally and physically assaulted them and took away their tapes with the filmed footage.

Various kinds of Oppression

There are many different ways in which journalists are oppressed. In this topic you will read how media offices were raided, editorial offices were robbed and raided, and how editors were the threatened and kidnapped.

Journalists' Rights Violated in Kakheti⁶¹

Public Defender Sozar Subari has commented on the actions used against journalists in the region of Kakheti and advised the local government to act carefully with regard to the freedom of speech.

On the 19th of April the entire circulation of the local newspaper Spectrum was taken from the trading network in Kakheti, and on the 21st of April the same was done with the newspaper 24 Hours. The employees of the Spectrum had to distribute the newspaper themselves to organizations and individuals with subscriptions. According to the local media, the sale of these newspapers was blocked by the Telavi Gangeoba (local representative of the government). It seems that the officials did not like articles published in these papers because some of them covered the misappropriation of 132 000 lari allotted for the region.

Last week, journalist Marina Gogoladze from Imedi TV was offended in Lagodekhi. She accused Mikheil Kakalishvili, member of the National Movement and local activist, of assaulting her. According to Gogoladze, Kakalishvili tried to suffocate her, then forcefully took a cassette from her and destroyed the material recorded on it. Kakalishvili has denied these charges. A criminal case has been launched, and the investigation is currently underway. By order of Public Defender Sozar Subari, the impartiality of the investigation will be controlled by his representative in Kakheti region, Nodar Sephiashvili.

Office of Newspaper "Imedi" Raided in Gurjaani⁶²

07.01.05. Media News. On Christmas Eve unknown persons rushed into the office of the newspaper "Imedi". The door and windows of the building, as well as the computers, were shattered. According to Gela Mtiulashvili, editor-in-chief of the newspaper, one of the officials warned him to expect an incursion several days ago, because governors of the Kakheti Districts were dissatisfied with the activities of the newspaper.

Among the documents taken from the office of the newspaper, are materials regarding the murder committed in Dedoplistskaro (one of the districts of Kakheti) a few days ago and the journalists of the newspaper see a connection between the incursion and this document. "This has been done to damage the freedom of speech in Kakheti," said Gela Mtiulashvili.

Hand Grenade Intended for Editor of the Gurjaani District Newspaper

Gurjaani. 15.07. 05. Media News. A hand grenade was thrown into the yard of Mr. Gela Mtiulashvili, the editor of the newspaper "Imedi" (Hope), the regional newspaper of Gurjaani. As a result of the explosion, the windows of the house were broken and the ceiling was damaged. As reported to "Media News", Mr. Akaki Sikharulidze, the Gangebeli (local governor) of the Gurjaani region, said that the hand grenade was deployed at about 02:00 at the home of Mr. Mtiulashvili whilst family members were at home.

⁶¹ Information of the Agency *Media News* available on: www.humanrights.ge.

⁶² Information of the Agency *Media News* available on: www.humanrights.ge.

“The investigation into the events are continuing, an investigatory team has been created, and we are waiting for the results of an expertise to determine the cause of the explosion,” said Mr. Archil Bojadze, the head of the Gurjaani police, in his conversation with “Media News.”

Pressure on Media in Kakheti Region

On November 17, Kakheti’s local media representatives organized a protest action in front of the building of the Gurjaani local government. They protested against a television declaration of the local governor Akaki Sikharulidze. On November 16, Akaki Sikharulidze, during his television appearance, accused the media of corruption and of disseminating information in exchange for money. In addition, he threatened them with actions undertaken by the special forces. As a result of the protest actions, Sikharulidze apologized and has currently changed his accusations. He accused one specific journalist, Gela Mtvlishvili, the editor-in-chief of local newspaper Imedi, of corruption. In addition, Sikharulidze declared during his television appearance that he does not recognize the right to free access to public information and that he would not allow media representatives at board meetings: “When to provide information to the public depends on me. Allowing journalists to be present at sessions and meetings shall also occur only in accordance with my good will,” Sikharulidze declared.

Chief Editor of Newspaper “Imedi” Fights for his Rights⁶³

The Human Rights Centre held a press conference today under the name “The terror against Gela Mtvlishvili, chief editor of newspaper “Imedi”, continues”. On the 23rd of November, at 22:35 p.m., an unknown person threw a grenade into the house of Mtvlishvili, shattering the windows and heavily damaging the house. Fortunately, Mtvlishvili and his family members were not at home.

The newspaper’s employees have sustained a series of attacks since the beginning of this year. However, no serious investigation has been opened on any of the cases. Mtvlishvili himself accuses the local government of organizing the attacks and declares that the terror is aimed at closing down the regional newspaper.

Special Armed Forces Restrict Public Information⁶⁴

The Special Forces of Shida Kartli (central part of Georgia) did not allow Lado Bichiashvili, a photo correspondent from the local newspaper “Trialeti”, to take pictures during a special operation on the dispersal of traders.

According to the photo correspondent, members of the Special Forces warned the traders that they had only five minutes to take their goods away. If not, they would crush their rows. Lado Bichiashvili who appeared to be at the scene at that moment, was taking photos. Members of the Special Forces asked Bichiashvili for his ID, which he did not have with him. Then they took away his photo camera and tried to push him away from the market place. They demanded Bichiashvili to stop taking photos.

⁶³ Information available on: www.humanrights.ge.

⁶⁴ Information available on: www.humanrights.ge.

According to Lado Bichiashvili, it is common for governmental representatives of Gori (city in Shida Kartli) to restrict the freedom of information and to hinder journalists in the fulfilment of their profession. In January, Nana Biganishvili, journalist of “Rustavi 2”, brought suit against the presidential representative in Shida Kartli for blocking public information.

Pressure on Adjara Television Continues⁶⁵

The decision of Nata Imedashvili, head of Information Service of Adjara television company, to resign, which according to her was caused by pressure from within the company, is a clear example of the free media being under serious pressure in this region, along with the restriction of freedom of speech. Representatives of local media consider mass media in Adjara to be subject to strict censorship, with the work of journalists strictly controlled by their managers. The journalists of Adjara television company do not point to the government as exerting pressure on them, but instead accuse Zaza Khalvashi, former head of the television company, of practicing censorship. While Adjara television company now has a new director, NGOs continue to highlight the existence of censorship and pressure directed towards television. The new director refused to restore Nata Imedashvili to the position of the head of the Information Service in order to avoid confrontations in the television company, although Ms. Imedashvili denies that there is any danger of confrontation.

Evidence of the pressure within Adjara television company was revealed after Nata Imedashvili, the head of Information Service, resigned as a sign of protest and named the pressure exercised by Zaza Khalvashi, head of the television company, as the motivating factor for her resignation. According to her, all information potentially presented during the company’s news programmes was subject to censorship. Following her resignation, 12 journalists resigned in protest and organized a protest march demanding the resignation of Zaza Khalvashi. Levan Varshalomidze, chairman of the Adjara Government, has laid all the responsibility on Zaza Khalvashi. Since then, Khalvashi has resigned and has been replaced by Evgeni Tavdgiridze, former correspondent of Radio Liberty.

Despite the fact that Adjara television company has a new director, NGOs continue to speak about censorship and the exertion of pressure within the television company. Mr. Tavdgiridze refused to restore Nata Imedashvili to the position of head of the Information Service, claiming that this was because he wished to avoid confrontations within the company. In an interview with HRIDC, Nata Imedashvili stated that she did not think there would be any danger of confrontation with the journalists, though she does not regret her decision to resign. According to Nata Imedashvili, she will soon appear before the public in a new role; as a host of her own programme. The new programme has already been prepared and will appear on television in April.

Who Violates Rights of Journalists in Zugdidi?⁶⁶

On the 14th of August, at about 19.30, a gun shot was heard in one of the Tsalenjikha suburbs, near restaurant ‘Samtsatskhvi’. Later it was discovered that some criminal dispute took place there. The incident resulted in three wounded people. The brothers Lasha and Levan Egias were immediately

⁶⁵ Information available on: www.humanrights.ge.

⁶⁶ Information available on: www.humanrights.ge.

taken to 'Respublika', the Zugdidi central hospital, where they were promptly operated on. One of them needed his leg to be amputated.

Journalists, having arrived at the hospital, met family members, friends and close relatives of the injured, who firmly objected to the journalists' presence and did not let them film the injured. Moreover, some tough young men used physical force against them. The journalists were forced to leave the hospital after a 30 minute quarrel with the relatives. It must be pointed out that there were no police officers in the hospital at that time.

Zurab Mikava was accused of wounding the Egias brothers. Mikava disappeared from the scene of the crime. As we later found out, both victims and the accused are criminal authority figures – their reason for not wanting to deal with journalists. However, the mass media is also disliked by the police in Zugdidi, particularly when the question involves either a crime they committed or their abuse of power.

One similar incident occurred in January this year: Joni Gulordava, an officer with the Tsalenjikha regional office, within the Samegrelo-Zemo Svaneti Police Department, badly injured D. Ghvinjilia to the face with a pistol. The accident took place in the Zugdidi district in the village of Ingiri, at restaurant 'Didebuli'. The high ranking police officers did not allow journalists, having arrived at the scene, to film the facts. Both threats and verbal insults were heard there.

The journalists went to 'Respublika' Zugdidi central hospital where the victim was being operated on. Family members of the police officer Gulordava, his sister, mother, wife and friend did not only verbally, but physically also assault the journalists. If medical staff and patrol police officers had not assisted them, they would have ended up in a similar situation as Ghvinjilia.

Unfortunately this was not the end of things. The next day the journalists, having arrived at the hospital regarding a different case, were again attacked by Joni Gulordava's family members and friends. Attempts at breaking a camera were filmed; Malkhaz Basilaia and Gocha Lemonjaria, journalists of television company 'Mze', and Nato Berulava, a journalist of an independent newspaper, were physically assaulted. The incident was witnessed by staff of the Zugdidi Police Department and several officials of the Regional Police Office, who observed the situation with indifference.

Now, the criminal case against Joni Gulordava has apparently been dropped. Consequently, persecution against him has also stopped and is allowed to move freely around the district and beyond in his expensive new car.

Regional Correspondent of Radio Station "Imedi" Claims that Police are Pressuring Her⁶⁷

Regional correspondent of radio station "Imedi", Nana Pazhava, accuses police of deliberately pressuring her. She says she may be administratively prosecuted.

According to her, she was a witness of one of the "outside" vendors' arrest that took place outside the Zugdidi market on August 30, the vendor did not obey the police officers and the journalist tried to film the confrontation with her mobile phone.

⁶⁷ Information available on: www.humanrights.ge.

"An unknown person approached me at the moment and forcefully took my mobile phone from my hands; he hit me in the face and insulted me. I thought he was a criminal, who wanted to rob me, therefore I also insulted and physically confronted him. After a few minutes that person said he was a police officer, because of that incident the police officers abandoned the vendor and tried to put me in the car despite the people's opposition. The plain-clothes police officer deleted the footage on my phone" - Pazhava said.

She also said that due to the incident in the market she has been charged with petty hooliganism and resisting the police. These charges may result in a fine or up to 30 days imprisonment.

"The law enforcement officials claim that I was the one who enticed the vendor to resist the police, in fact I did not even know that woman. Besides, if I did something unlawful the police would have to detain me at the site, which was not the case, they drew up the report five days after the incident" - Pazhava said.

The journalist says she has been pressured by the police previously as well. On November 20, 2005, when Georgian President Mikheil Saakashvili was to visit Zugdidi, a local individual, Luiza Pipia, was abducted and the population held a protest rally.

"Head of Samegrelo-Zemo Svaneti regional police department Merab Gergaia was trying to forcibly put Pipia's mother in the car and I filmed that incident with my phone, the police were enraged by that fact and a serious conflict ensued, they even tried to physically abuse me. I have disclosed many facts hidden by the police before," she says.

Pazhava has applied to the Ombudsman's local representative and the Prosecutor General of Georgia and asked them to protect her rights.

Radio 'Hereti's Office Was Robbed ⁶⁸

On December 24, unknown people stole computers from the computer centre at Radio Hereti.

Radio Hereti announced that the robbers stole eight computers from a training room and internet cafe at the radio. Lagodekhi Police launched a criminal investigation into the crime.

Officials from Radio Hereti state that their office was robbed for the third time. However, none of the previous crimes were investigated.

"This is an attack on independent business and media. I demand that the Minister of Internal Affairs oversee the investigation of the crime, so the Lagodekhi district could be rid of the criminals," said Ramaz Samkharadze, director of the Radio Hereti.

Newspaper editor kidnapped in Zugdidi⁶⁹

Unidentified criminals have kidnapped the editor of newspaper "Gia Boqlomi", Ilia Chachibaia, from a suburb of Zugdidi and held him in isolation for several hours. This information is disseminated by news agency "Inter-Press news".

⁶⁸ Information available on: www.humanrights.ge.

⁶⁹ Information available on: www.humanrights.ge.

According to Chachibaia he was deceived into a car, then taken to a suburb and beaten up severely. According to another source of information, which also draws on Chachibaia's words, the editor has not been beaten. However, kidnappers abused him verbally and demanded from him to stop publishing critical articles about the local government.

According to the same source, Chachibaia who studies in the 11th grade of a public school, was kidnapped by two unidentified persons in the village Akhalsopeli, 10 kilometres from Zugdidi. Chachibaia has not been beaten, however a minor conflict occurred during which Chachibaia fell into mud.

The offenders took away the editor's documents and mobile phone. Chachibaia says that he does not know the aggressors, however he can recognize them.

It is worth noting that this is the second case of kidnapping Chachibaia.

In December 2006, the young editor, according to his words, was detained in the Samegrelo-Upper Svaneti regional administration building by the personal guard of the regional governor and press-secretary of the regional administration, Lali Gelenava. The latter has even hit Chachibaia. This incident was scrutinized by the Georgian Ombudsman's Office which sent the obtained material to the General Prosecutor's Office for further action. The General Prosecutor's Office transferred these materials to the Samegrelo - Upper Svaneti Regional Prosecutor's Office.

Newspaper "Ghia Boklomi" Is About to Close Down Because of Having No Information

"Lali Gelenava, the press-secretary of the President's representative to the Samegrelo-Zemo Svaneti region, Zaza Gorozia's, has been blocking information for the correspondents and editor-in-chief of the independent newspaper "Ghia Boklomi" (Open Lock) for four months already. In private talks she said that this situation will continue as long as she stays on in her position," said Ilia Chachibaia, the editor-in-chief for the newspaper.

On February 9, President Mikheil Saakashvili visited Zugdidi and attended the presentation of the nut factory. All journalists, from the Samegrelo Region and from many other regions, attended the event. Although we had petitioned her office for accreditation to our correspondents two days before the event, Gelenava refused. It was the second occasion she refused us.

Gelenava opposed all media sources and journalists who published information about the pressure exerted by her office. They are regional correspondents for newspapers "Basta", "Kolkhuri Versia", "Tavisufali Sitkva"; as well as for the radio Imedi, television company Mze, Imedi TV and radio "Fortuna".

Representatives of the public relations department of the president's representative to the region try to keep some facts secret from us. They do not inform us about scheduled press-conferences, official meetings and do not give public information either. The blockade resulted from the incident that happened in the quarter of Zaza Gorozia on November 4...

As a result, social-political newspaper "Ghia Boklomi" ceased its activities for some time because of having no information to publish. If the situation lasts for a long time, the newspaper will finally have to close down. We urge everyone to assist.

"Akhali Gazeti" Journalists Detained for an Hour in Office of Kutaisi Prison Director⁷⁰

On June 7, journalist Dea Managadze and photo correspondent Madlena Mamasakhlishi were detained for an hour in the room of Levan Pachulia, head of Kutaisi prison No 2. The journalists were searched and all the photos in the digital camera were deleted.

Akhali Gazeti staff informs that on June 7, at around 12 o'clock Dea Managadze and Madlena Mamasakhlishi visited a closed unit of Kutaisi prison No 2 with a view to preparing a newspaper publication about violations in the procedure of forwarding parcels to prisoners.

The journalists met the prisoners' relatives and friends present in the parcel department.

Managadze and Mamasakhlishi were allowed to enter the department and their stay lasted for 20 minutes. Though the problems started to pop up when the photo correspondent made a photo of the parcels' forwarding process. Akhali Gazeti employees were taken up to Pachulia's room, where they were searched and the photos were deleted.

“When the journalist got in touch with me and informed me of the situation, I rushed to the scene immediately, though the security guard did not allow me to enter the prison. I called Mr. Pachulia to find out what had actually happened, but my telephone conversation with him left me in astonishment. Why did the security guards allow the journalists to enter the prison, regardless of the law?! – says Ia Bobokhidze editor-in-chief of the newspaper Akhali Gazeti.

Ia Bobokhidze clarified that the journalists had no permission from the prison administration to take any photos, but after having entered the prison they simply did not want to miss the opportunity to take some shots.

According to the editor-in-chief of the newspaper, after the examination, a two-page document was drawn up that was introduced to the journalists. The photo camera and the journalists' ID cards were given back to the owners.

According to Gia Giorgadze, head of the Public Defender's Investigation and Monitoring Department, against the order given by the Minister of Justice, photo-video shooting, audio recording is prohibited in the penitential institutions without a permit.

In this regard, according to Giorgadze, it is to be studied how lawful the investigative activities carried out against the journalists were. The Public Defender's Office has become interested in the case – stated Giorgadze.

Broadcasting frequencies confiscated from their Owners

Journalistic investigation

The question was asked to the Georgian National Communications Commission as to which broadcasting frequency that TV- Company Alania used? It is widely known why some TV-companies were shut down after the Rose Revolution and the circumstances.

⁷⁰ Information available on: www.humanrights.ge.

Alania is the government funded and sponsored Ossetian language station that supports the reintegration of the breakaway region of South Ossetia into Georgia proper. The issue of frequency ownership issues was an incidental question in passing but carefully considered. It is a current issue that needs to have some light shed upon it. Contributing circumstances to the on-going battle over Georgian airwaves is known at both the local and international level.

The real questions, however, provides extra insight into the pattern, and not merely commentary about happenstance. Some stations have stopped broadcasting at the owners' initiative, so it would seem at first impression, while others were intentionally forced off the air under various forms of governmental pressure. Their broadcasting frequencies have quietly removed from their real owners and without much fanfare. In their place soon appeared new TV stations that immediately started broadcasting with these confiscated or non-operational frequencies.

Alania was one among the new-born TV-companies, and this case may be but the tip of the proverbial iceberg. You can be the judge as to what has actually transpired, as we received the following answer from our discussion with GNCC about the background and contributing circumstances surrounding Alania.

Much to our surprise, we soon learned that this TV-company is not on the Commission register of licensed broadcasters. We were told that "The Commission was not familiar with any such a broadcasting company. Consequently, no broadcasting license had been issued to the company with under that name." However, to make a long story short, the TV-company exists and did not just materialize out of nowhere.

Human Rights Center became interested with the pressing issue of TV-frequencies and started a journalistic its own investigation when TV-Imedi was shut down on November 7, 2007. If we take into account the scale of the Georgian TV market, the number of broadcasting companies that disappeared for various reasons is substantial: Metskhre Arkhi, Iberia, 202, Evropa, Obiektivi, and Aisi.

We had been waiting for single piece of public information from different state bodies for more than ten days. Although a bit late, the answers were forthcoming and practically useless for the purpose of an investigative article. That too can be construed as an answer in an indirect fashion. The rest of this investigated article will give you insight into the story within the story and you can glean the importance of this issue from the information shared by some of those that we interviewed.

Iberia- Unpublicized Dispersal

Zaza Okuashvili is the owner of the Iberia TV-company. It was shut down in 2004 and the exact circumstances are still unknown to a wider audience. The TV Company was considered as being indirectly owned by Aslan Abashidze, former leader of Adjara. Iberia went off the air when Irakli Okruashvili was the Prosecutor General. He is the former Georgian Minister of Defense as well.

At present he is under house arrest in France pending a ruling on his political refugee status. He was charged on abusing his powers and tax evasion, other criminal charges as well). Luba

Eliashvili, the journalist of the broadcasting company Iberia, the author and presenter of the analytical/ current affairs program Dialogi recalls the events associated with the shutting down of Iberia as follows:

"On February 19, 2004 the representatives of the Office of Prosecutor General entered TV-company and firm Omega, which are both owned by Zaza Okuashvili. The investigator had a list of organizations where searches were to be conducted. However, Iberia was not on the list. Luba Eliashvili told that the search was actually a criminal entrance into the TV-company.

Special Forces were standing at the TV-station from early morning that eventful day. They had not rubber but real bullets in their weapons. We found out about it when the Special Forces opened fire at the journalists at the building of printing-house and the bullets penetrated the walls and left a hole in a gas pipe. The operation was not long and the Special Forces departed the TV-station in 3 hours. However, their departure was only temporarily. Soon they were back and the owner was forced to first take my program off the air and then to shut down the entire TV-company."

Zaza Okuashvili's all businesses had been blocked by that time. Special Forces were "protecting" all the enterprises owned by Okuashvili including newspaper Akhali Epoka and magazine Omega. The journalists of Iberia went to the printing-house to find out what Special Forces were doing there. As Eliashvili recollects, the gates of the printing-house opened and the rain of bullets started: "Their brutal conduct was a sign that they would not make any concessions. It was obvious that the rights of journalists had been violated, so the journalists went to Georgian Public Broadcaster and requested live air, but they were rejected."

All businesses owned by Zaza Okuashvili were brought to a halt. He was accused of printing fake tax excise stamps. The security forces stayed in his offices for 7 months and why can only be justified with some allegations. We can only assume that whatever secret funds that may have been in existence were confiscated from Okuashvili was transferred to another bank or disposed of in some manner.

At least on paper, officially the license of the TV-company Iberia, second ranked channel - was soon bought by Davit Kakauridze, former administrator of the Hotel Varazi. He became the owner several broadcasting frequencies and this will be discussed later in this investigative report. We tried to contact him via the administration of Hotel Varazi, but to no avail.

Luba Eliashvili further explained that Kakauridze's TV-company did not continue broadcasting nor the frequency of the company was tendered. This topic became irrelevant when a plea-bargain agreement was used in dealing with the charges facing Zaza Okuashvili. Some journalists of TV-company Iberia changed their professions; some lost their jobs and are still unemployed, while others ended up working for various governmental organizations.

Regardless of all the sorted history, nobody accepted the task of answering the direct questions presented to the management or other bodies about the station and the events that transpired.

Obiektivi to Alania

The journalistic union Obiektivi was founded back in 2003. Irma Inashvili, one of the founders of the Union says that 200 journalists joined the Union for the purpose of protecting their rights as journalists. It was to be the forum where they could turn to reveal instances of

harassment directed towards journalists and to collaborate in carrying our investigations. Following the Rose Revolution in 2003 the journalists had much material for their investigations, including the facts of licenses having been taken away, confiscation and force conveyance of decimeter channels to other purposes. However, the full facts of taking over broadcasting frequencies were somewhat less obvious than the direct confiscation of houses and other property, including factories.

Irma Inashvili, the founder of the journalistic union Obiektivi says that with the involvement of the government with various law enforcement bodies, the Georgian National Communications Commission started to engage in what should be considered as unacceptable activities. The various forms and expression of harassment against the owners of frequencies remained practically unknown to greater Georgian society.

TV-company Aisi was first to address Obiektivi for assistance. This broadcasting station was covering the areas of Tbilisi and Lilo settlement. The administration of the TV-company was alleging that the National Communications Commission was making artificial problems for them. Inashvili looked into the claims and then started its journalistic investigation.

Meanwhile, as the first investigation was getting started, the TV-company Obiektivi contacted her with its claims. After the negotiations the agreement was reached between journalistic union and TV-company that the materials prepared by Journalistic Union Obiektivi would be broadcasted via TV-company Obiektivi. All this transpired back in 2003. The preparation for the program production was finally launched.

TV-company Obiektivi was broadcasting music and Georgian films during this period. One day **Misha Agladze**, the deputy director of the TV-company announced to his staff that they had to go off the air and stop broadcasting. Soon afterwards the TV-company Alania started transmitting its programs on the frequency that belonged to Obiektivi.

In 2004 control package of TV-company Obiektivi was registered over the name of Davit Kakauridze, a person on whom Iberia was registered earlier. The information about this purchase is public and is accessible in the Public Registry Agency. Ketevan Asatiani, the founder of TV-company Obiektivi though conveyed her share to Kakauridze but she has not been paid 19,950 GEL - the price that the shares are now valued.

After this the frequency acquired new name. Now the TV station has a new name- it is called Obiektivi 2.

Misha Agladze, depute director of TV company Obiektivi filed a legal suit in the court at the end of 2007(a few years later). However, the information relating to the pending case leaked out before the going to court. It was now known Agladze was being seriously harassed by the authorities.

Agladze recalls that Ltd. TV-company Obiektivi was created in 2001 and was broadcasting under the license of frequency 35. As it had been mentioned, the TV-station was broadcasting until “one fine day” of 2004. On this day Agladze was asked by Dimitri Kitoshvili, the head of Georgian National Communications Commission to come to his office.

“Kitoshvili said that he wanted to talk to me. The director of the TV Company was Paata Guraspauli at that time. However, in fact I was actually managing the affairs of Obiektivi. Kitoshvili further explained how we might have some problems for the future.

Misha Agladze said that “they had some professional problems, as every TV-company experiences. Officially in such instances a television station would normally receive a reprimand. However, when I asked what we did wrong, Kitoshvili told me that we had to forfeit half of the shares in the event we wanted to keep the remaining half. The Commission had not put forth any outstanding issues or found faults with our TV-company. They simply needed a TV-company and they were able to get what they wanted. TV-company Alania is now broadcasting on was frequency 35.”

The staff of Obiektivi was offered to buy other property to make up for their material losses. However, it is all still a well kept secret; Agladze still declines to specify the details of the negotiations and final deal. Initially the authorities of the TV-company rejected the “unofficial” offer, but as Agladze says “the pressure was so extreme that it was not worth putting up any resistance.”

The methods described were rather direct and to the point, “Some officials called and threatened that they will do this or that to you. I will not specify their names. However, the point is that we did not do as requested as no money was transferred as a so-called present. Instead, we gave it as a concession. If we had given the shares as a present we would have taken them back in a year, as in the event that we identified problems in their work.”

Davit Kakauridze soon became the owner of 51 % of all the shares. Misha Agladze told that official registration of shares is under the name of Kakauridze and this was sealed in the notary office Ginturi; the process was attended by an officer from the State Chancellery. The bureau entitled Ginturi has the fame as being considered as being the best “white washer” of illegal property under a stamp of approval.

He adds, “It happened in September 2004; this was the period of mass imprisonments and widespread fear. After having arranged everything according to the demands and when we were leaving the office, someone grabbed my hand, and it was as if he was trying to take me away to somewhere. However, when the officer told him that everything was fine and to leave me alone. Soon afterwards, we requested to be provided with a “substitute” for our property as we understood that we were to receive according to the agreement between the parties. Nonetheless, were then advised not to be so active in our efforts, and as a result I could see little choice but to address the court with the issues, and based on the chain of events, that’s why the case was filed late. Since then I have been called with harsh demands to drop or suspend the court proceedings and drop the suit”, says Misha Agladze.

Immediately after the arrest of Dimitri Kitoshvilihead of GNCC, Davit Kakauridze alleged as his relative, that the shares were turned over Nodar Charkhalashvili, and this was back in autumn of 2007. What is odd, and as what was expected, the entire process was completed without Ketevan Asatiani, founder and owner of 49 % of Obiektivi shares being present. The document of the so-called “gift” is recorded in the Public Registry. This operational was endorsed in the same infamous notary bureau Ginturi I. The protocol carries the signature of Nato Chankotadze.

What will be the court decision on Agladze’s suit is unknown but much is open to speculation.

We were initially interested in this story when we started looking into as whether Alania had any broadcasting license or not. The official answer of the Commission reads as follows: **“The Commission is not familiar with such a broadcasting company. This TV-company is not on the Commission registry of licensed broadcasting companies; consequently, no broadcasting license was granted to the company under that name.”**

Story # 3: Burglarized TV-company Europa

Irma Inashvili and her journalistic staff members who soon found themselves unemployed were called from a newly formed TV-company Europe and offered airspace for their programs.

TTV-company Europa had its own history and it had been taken away from us. Both Tamar Tsagareishvili and Ednar Giorgobian were planning to work for Europa. Temur Shengelia, founder of the TV-company had signed a contract with Euronews. Euronews programs were to be broadcasted in Georgian on this channel. It was a unique project. However, a special unit of Constitutional Security Department (CSD) entered the TV-company back in 2005 and alleged that the company was being managed by Russian intelligence. They raided the company and hauled off all the equipment, as well as 40 cassettes of dubbed films. And do you know where the equipment was taken? It was taken straight to Alania,”recalls Irma Inashvili.

Europa takes it to court

Irakli Tsnobiladze, the attorney of the TV Company:

“Approximately 600 people were to be employed in the TV Company. There was a contract with Euronews and out of blue the broadcasting license was withdrawn from the TV- Company. The work of the company went off the air and its motif was no longer used. The Georgian National Communications Commission announced by decree that the TV-company terminated its broadcasting and it was not able to stay on the air as required by law. In fact the company was not able to broadcast for only a day and a half. There had been some technical glitches in broadcasting on the airwaves. The TV Company appealed the ruling against the Commission’s decree immediately. The appeal was first brought to the District Court where it was rejected, then to the next level of the court of appeals, which set aside the decision of the lower court, and remanded the case back to the District Court to consider again. Meanwhile the District Court was abolished and the case was transferred to the Board on Administrative Cases of Tbilisi City Court as to the court of original jurisdiction.

The court annulled the decision of the Commission and ordered for the GNCC to discuss the issue once again.

Besides, the judge wrote in the legal opinion as part of the verdict that “to terminate broadcasting” and “to suspend broadcasting for only a day and a half” is not the one and the same.

Generally if the owner infringes the license conditions there is another solution for the problem—impose a fine for instance. In this situation GNCC could impose a -f 5000- GEL fine on the TV-company, and as is provided under the Code dealing with Administrative Infringements.

According to the older Law on Broadcasting, the commission had only to suspend the license temporarily until the company was able to overcome its shortcomings. However, the Commission did not choose to do so. The facts indicate that instead that they were following the instructions of higher ups in the government”, emphasizes Irakli Tsnobliladze.

He is personally an eyewitness to Special Units entering the TV-station and says that scales of the raid were much less about than in comparison to TV-Imedi, though the entire inventory of equipment apparatus was hauled off.

“We do not know exactly where the equipment was was taken, but we have backdoor information that technical staff of Alania works now with Europa’s decoder.”

Mamuka Tatoshvili, head of Alania flatly denies this information as being false. He told us during the interview that Alania does not use the equipment of Europa.

Temur Shengelia, founder and owner of TV-company Evropa has been quoted in an interview with newspaper Rezonansi (see January 5, 2006 edition) that he wanted “to establish a good TV-company”. Temur Shengelia is a businessperson who works in Moscow. In an interview Shengelia stated that he was running a multipurpose company and carrying out investments. As addressing his political involvements, there exists antidotal information that Shengelia has close ties with Russian authorities. Consequently, he was immediately suspected of having being a Kremlin agent that had certain instructions. In the interview with the newspaper he said: “I am sure that Europa’s conception will support the main direction of Georgia’s foreign policy, the main trend of which is the continued effort towards full integration into European structures.”

Nobody believed Shengelia and now the focus of the court case.

Story #4- how TV-channel 202 turned into military channel SakarTVelo

We want to finish our journalistic investigation with the case of TV-company 202, was replaced by so called military channel SakarTVelo (it is called TV SakarTVelo as well). According to the official website of the channel, SakarTVelo is an independent, private channel. It has been broadcasting on 33rd decimeter frequency since September 1, 2007. The TV-company has been cooperating with the Ministry of Defense of Georgia since April 2007. The Ltd. TV-company SakarTVelo and the Ministry of Defense of Georgia signed the contract on 2007 on the bases of Georgian Law on State Purchases.

“Our Motto is – We Serve Those Who Serve” – means that we in the service of young Georgian army. For the most part the programs of our channel are produced under the direction and order of the Georgian Ministry of Defense. Military themes are predominant on the channel as well and military history. The channel mostly broadcasts military features and documentary films. It plans to make domestically produced programs on a range of military issues. These will involve military experts, historians and the representatives from various spheres. There is also a plan of producing

analytical and educational programs and these will discuss not only military themes but the issues regarding Georgian history, patriotism, bravery on the battlefield and devotion to the country. Moreover, the reoccurring issues of integration into Euro-Atlantic structures, including NATO, and reintegration of breakaway regions and territorial integrity will be targeted. Current and future reforms the military sphere will be especially highlighted”- a quote from the channel website.

It is rather strange that the replacement of TV-company 202 with TV-company SakarTVelo is connected with the journalists connected the Journalistic Union Obiektivi.

“The issue of TV Company Europa had not lost its significance when Hans von Sachsen-Altenburg, new owner of closed TV-company 202 came to me and suggested some collaboration. According to the law of broadcasting, any license will be confiscated from that channel that does not continue to broadcast. In December, 2006 I again gathered the journalists, started the preparation process, film editing. On December 29 gave a presentation and announced that Obiektivi would start broadcasting on TV 202.

On February 16 the channel was sold and Kakha Ninua bought it. I have the information that he is the brother of Depute Minister of Defense. When I asked Altenburg how it was possible to sell the channel in a month and a half (560,000 Dollars were paid which was more than it was really worth. He further explained that Kitoshvili was threatening him, who himself had received the instructions from Zurab Nogaideli. To make a long story short, Altenburg admitted that he was forced to sell the frequency,” says Irma Inashvili.

Irma Inashvili called Kakha Ninua’s phone number which was indicated in the Notary act. Actually she called to the organization New Georgian Legal Group (address: Bambis Rigi #7). She also found out that this organization was founded by Mrs. Zura Nogaideli, the wife of the former prime-minister.

“Can we assume that there is some connection between Nogaideli, Kitoshvili and Ninua? On the first page of GNCC magazine (in one of the old edition) is publish Dimitri Kitosgvili’s biography. It is mentioned in the biography that he was appointed director of New Georgian Legal Group in 2003, so we can suppose that there must be some kind of connection between Kitoshvili and Ninua.

Dato Aladashvili was appointed the director of the now frequency on which SakarTVelo started broadcasting later. He is my former colleague from Channel One. So I called him and asked what was going on. He said that he had no idea about the developing events but he was handed over the channel to run”.

Inashvili found one more interesting fact in the magazine:

“The Commission makes national surveys to find out what kind of programs people like to watch. The Commission proposes the frequencies for auction bidding in order to have this or that kind of television on this or that kind of frequency based on the results of the survey. The survey showed that people were not interested in politics following the Rose Revolution. Business Consulting Group makes surveys on the order of the Georgian National Communications Commission. Moreover, it must be mentioned that Dimitri Kitoshvili’s wife works in Business Consulting Group (this organization was making survey on the last election). When the husband (meaning Kitoshvili who was the head of GNCC at that period) orders the survey to wife, some doubts arise on the fairness of the survey.

To cut a long story short 202, the channel which was the last broadcaster of TV-debates in Georgian TV space, a channel with anti-governmental parody cartoon film Dardubala was replaced by the military channel SakarTVleo.

We made a survey of 20 people about SakarTVelo and they told us that patriotic, in particular military spirits are raised when they watch SakarTVelo.

Dato Aladashvili has stepped down from his former post of channel director for half a year now. He was not very eager to talk to us. He said, “I was responsible for purely administrative affairs in SakarTVelo. I worked as the program director on the First Channel (which is called Georgian Public Broadcasting, Editor’s remark), I heard about the TV company (meaning Ltd.SakarTVelo), I suggested myself, and they accepted my suggestion and I went to work there. That’s all what I can say.”

202 stopped broadcasting so swiftly that the audience was unable to understand what had actually happened. This fact is rather strange as the TV-company had begun preparations for news-programs with three months. The fact is that Vaja Kiladze, the owner of frequency 33, who had a deal with Goga Kokhreidze that TV-company 202 could use his frequency for 2 years and Goga Kokhreidze would have the first refusal if Kiladze decided to sell the frequency sold channel to for 120 000 Dollars. All this transpired when Shalva Ramishvili, TV anchor for political debates on 202 and Dato Koxreidze, Goga Kokhreidze’s brother were in prison and the situation in 202 was very blurred in the light of the problems that they faced at this time.

Altenburg made David Maple, owner of newspaper Georgia Today the partial shareholder of the channel. However, nothing was mentioned about his shares or interests when Altenburg on his own sold the channel to Kakha Ninua for a large amount of money. Mapley only found that the channel had been sold when he returned from England. He sued Altenburg and has asked for a criminal investigation. However, for the purpose of this story, these details are not the main attention. The short story is that suddenly TV-company SakarTVelo replaced 202.

We have only some unofficial indications of just how much money the Ministry of Defense pays to SakarTVelo for its programming. We were not able to check the information as on our official letter requesting the copy of the contract between the Ministry of Defense and the TV. No proper response has been forthcoming. However, the Ministry has informed us in written form that they were not able to send us the copy because we had not indicated a specific date in our request for the information. Nonetheless, we made every effort to get the information from other sources and contacted Irakli Sesiashvili, Chief Justice of the Freedom Association, a non-governmental organization. He has been working on military themes for many years .He told us that he had been trying to find access to public information about the “purchases of the Ministry of Defense”, but all his efforts have been in vain.

In must be mentioned that in July 2007 Kakha Ninua, the owner of frequency 33 registered his shares on Beka Paatashvili, inhabitant of village Digomi and consequently Paatashvili became the effective owner of the channel, at least on paper. We have unofficial information that these registrations were connected with the imprisonment of Irakli Okruashvili and the subsequent replacement of his political team.

Our investigation got interested what had happened with TV channel Metskhre Arkhi. We contacted GNCC.The representatives of the body that **the broadcasting license # B 9 of the Metskhre Arkhi**

(from 198 megahertz to 206 megahertz) and utilized by the broadcasting company Rustavi2 (the license is valid until 18.11.2015).

Soso Papuashvili, lawyer of Human Rights Center states that the above-mentioned facts are adequate proof of how the elite network of corruption actually works: “Since coming into power, the so-called Velvet government has been making efforts on many fronts to exert its influence over the media. The government controls not only Georgian Public Broadcasting but private TV-companies such as Mze and Rustavi 2. In spite of the fact that acting legislation makes the media environment nearly perfect, the reality on the ground is quite different. Various decisions and decrees of the Georgian National Communications Commission show how effective the government is using this body as an instrument to control the media.”

The facts that we discussed in our investigation are but a few examples of how events have developed around broadcast frequencies and the pressure that has been applied on their owners. www.humanrights.ge continues its investigation and will present the second part of the investigation as soon as the organization receives official answers to some of the hard questions that have been presented to various governmental and regulatory bodies.

Conclusion

We are of the opinion that the Georgian media has come to a “fall”. Our aim is not to dramatize the situation, but the fact remains that the Georgian media has never been pressured to such a degree before. Had it not been for the events of November 7, 2007, our report might have been more optimistic.

Notwithstanding some instances in which the media coverage has been comprehensive, our conclusion is that the Georgian media has many inherent problems that must be resolved both in the short, as well as the long term, in order for there to be responsive to a free and democratic society.

Human Rights Center considers that as a representative of civil society our organization must provide recommendations to the Georgian government in order to improve the current situation in media field, and if this can only be done partially.

The Center advises governmental bodies to become more transparent for media and take measures that will reduce bureaucracy and the time to wait in issuing public information.

The law enforcers should completely investigate all facts of journalists having been persecuted and efforts should be made to set at least one precedent for punishing those responsible and breaking down the barrier of impunity.

The assault and abuse of journalists should be stopped, especially of regional journalists and they must be allowed to have normal working conditions in performing their duties.

Greater society should have access to the information about the real owners of radio and TV frequency and be provided with information about those who actually stands behind one or another TV-company.

The blackmail of the frequency owners and persecution of them for thinking differently should be immediately stopped.

The inaction of the laws that impose restrictions on media, which means not only financial restrictions, should be reduced and eliminated. Newspapers and TV-companies should not be shut down for various reasons and real TV debates, which practically do not exist in Georgia, should be immediately established.

If these recommendations are met, or at least partially adhered to, there will be a little hope that free media, which was the reason of pride in pre- Rose Revolution period, will reappear and flourish. We will then be able to move from the bottom of the list in terms of media freedom among international ratings for an open and free press.