

**Nino Lomjaria  
Tamar Kordzaia  
Nino Gobronidze  
Natia Kemertelidze**

# **FREEDOM OF EXPRESSION IN GEORGIA**

- **Legal Bases**
- **New Legislation**
- **Media analysis**
- **Evaluations by International Organizations**
- **Analysis of Journalizm Survey**



**“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”**

***The Universal Declaration of Human Rights (Article 19)***

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Editor: KHATUNAKVIRALASHVILI  
Technical editor: IRAKLISVANIDZE

Responsible of publication: TINATINKHIDASHELI

Translator: KETEVANROINISHVILI

Autors: NINOLOMJARIA  
TAMARKORDZAIA  
NINO GOBRONIDZE  
NATIAKEMERTELIDZE



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# **CONTEXT**

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**“If the whole society, except one person had the same opinion and it suppressed the opinion of that person then his action would have been so unacceptable like those who veil the opinion of the whole mankind.”**

***John Stewart Mill***

## **INTRODUCTION**

Freedom of opinion and expression is a universal human right, one which demands the observance by all democratic states. Freedom of expression underpins realization of other rights.

Various international documents underline the significance of freedom of expression. For example, according to the United Nations Human Rights Resolution 45: *“the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity...the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights.”*<sup>1</sup>

Former president Edward Shevardnadze was always proud of his achievements on the freedom of opinion and expression. As Zurab Adeishvili opined: “freedom of speech and expression is more or less guaranteed in Georgia and it is not due to the state that it created real guarantees thereto, but by the impotence of the government to suppress freedom of speech.”<sup>2</sup>

According to international ratings there is ample evidence that the freedom of expression has decreased since the Rose Revolution in Georgia.<sup>3</sup> Many oppositional newspapers, TV companies, and evening talk-shows were shut down, while the media and discussion programs that have survived share the same opinions. This makes the explanation of Zurab Adeishvili’s all the more credible: the state is now strong enough to suppress the freedom of expression.

The least pressured media is the print media: since it reaches a smaller audience, and has less public resonance, it draws less concern from the government.

One of the great achievements of the freedom of expression is in serious jeopardy. Therefore, 57 years after the Universal Human Rights Declaration, the Georgian Young Lawyers’ Association submits for consideration this analysis of freedom of expression in Georgia following the Rose Revolution. The analysis is based on requested public information, legislative innovations, legislative evaluations, media analyses, and reports from international organizations.

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<sup>1</sup> The Right to freedom of opinion and expression, Commission on Human Rights, Resolution 1993/45, Preamble.

<sup>2</sup> Human Rights, Freedom of Expression, Z. Adeishvili, 2002.

<sup>3</sup> [www.freedomhouse.org/research/pressurvey.htm](http://www.freedomhouse.org/research/pressurvey.htm).

## LEGISLATION ON THE FREEDOM OF EXPRESSION

In Georgia, the freedom of expression is guaranteed by the Constitution of August 24, 1995, which recognizes universal human rights and freedoms.

**“Every individual has the right to freedom of speech, thought, conscience, religion and belief. The persecution of an individual for their thought, beliefs or religion is prohibited as is also the compulsion to express opinions about them. These rights may not be restricted unless the exercise of these rights infringes upon the rights of other individuals.”**

*Article 19 of the Constitution*

According to the Constitution, censorship is prohibited both in mass media and intellectual creativity.<sup>4</sup> Only cases envisaged by the Constitution may the right to the freedom of information, including the receiving and disseminating of information, be restricted.

**“These rights can be restricted by law and by the conditions necessary in a democratic society to guarantee state and public security, territorial integrity, prevention of crime, and the defence of rights and dignities, or to avoid the revelation of confidential information, or to guarantee the independence and impartiality of justice.”**

*Article 24 of the Constitution*

## THE LAW ON FREEDOM OF OPINION AND EXPRESSION

On June 24, 2004 the law on Freedom of Opinion and Expression was adopted. As experts point out, it was created out of respect for significant democratic values and principles.

The law defines freedom of information guarantees broadly, and protects **opinions and perspectives, without taking a position on the content of the views themselves.**

The law regulates slander and restricts it to legal proceeding: **“a statement, made within political debates, as well as by members of parliament or of the city council, made when fulfilling his/her obligations must not cause liability for slander.”**

The definition eliminated slander as a crime in the Criminal Code. This is consistent with the European Court of Human Rights, which holds that courts

<sup>4</sup> See the Georgian Constitution, articles 23 and 24.

of the state parties should refrain from sentencing persons to criminal responsibilities in cases of slander, since doing so jeopardizes and censor the freedom of expression. In effect, it prevents media from its crucial role as a “watchdog”.

The article – “Should the new law on freedom of speech and expression” – published in the newspaper *Resonance* (June 17.2004) took up the law on “Freedom of speech and expression”? The article contains comments from MPs Elene Tevdoradze, Giga Bokeria, the chairman of the parliament Nino Burjanadze, and the chairperson of the Georgian Young Lawyers’ Association. Tinatin Khidasheli. As Ms. Khindasheli stated: “the Georgian Young Lawyers’ Association welcomes the adoption of the law, but finds it too easy to manipulate the law – a poor amendment to only one paragraph might destroy the whole system.”

After the Rose Revolution, in December 2004, Georgia adopted the new law on broadcasting. It invalidated the law on “Press and Mass Media,” which itself invalidated the law on “Press and Mass Media” adopted by the Supreme Council.

## TAX LEGISLATION

In the fall of 2004, MPs were discussing the introduction of tax concessions to the Tax Code. This sparked controversy and dispute, notes *Akhali Taoba*, December 8.2004. The right wing opposition requested that media be exempt from all taxes – an idea supported by most MPs. Noghaideli, however, declares that exempting the press from income tax would be absurd. If the right wing opposition wants to show their concern for the press, they may, but this will not happen,” declares Noghaideli.<sup>5</sup>

On December 8.2004 the president of Georgia ordered the state representatives to ease the tax burden on the media. “*Unfortunately, the advertising market is not so developed that the press could sustain themselves from advertisement revenue. Therefore frequently press becomes dependent on someone. We as representatives of democratic society are interested to have free and independent press. We grant economic freedom to the press in order to acquire political liberty. (The newspaper “24 saati”, December 9.2004,#292).*”

*“By the presidential order the Ministry of Finance will meet the editors of print media and discuss the issue with them. As the president provides, the executive government should decide the issue in two days.”* writes the

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<sup>5</sup> Newspaper “Akhali Taoba”, December 8,2004

newspaper *24 saati*, December 9. The presidential statement made the Ministry of Finance submit. “The vice-speaker of the Parliament Mikhail Machavariani and the Ministry of Finance met the editors. They discussed the issue of tax benefits. After the meeting it was identified that the press is exempted from income tax and property tax,” writes the newspaper *Akhali Taoba*, December 10.2004.

## SUMMARY

One more official quote typifies the state’s attitude towards the significance of media and its development. This is the Georgian anti- corruption strategy, approved by the president in June 2005, which states: “the government must promote economic and editorial independence of media; professional development of journalists and elaborate protection mechanisms for the journalists following the practice.”<sup>6</sup>

## MEDIA FREEDOM IN GEORGIA?

**“Freedom of political expression is a cornerstone of democracy, since strict criticism and evaluations may turn events into the subject of debates.”**

European Court of Human Rights

## MEDIA AFTER THE ROSE REVOLUTION

After the 2003 Rose Revolution, national legislation grew more democratic, yet media lost its freedom of expression. This was noted in several national and international reports. For example, as the British NGO “Article 19”<sup>7</sup> states in its report of May 9.2005: “currently media became less critical than it was during the previous government. By the beginning of February 2004 three private TV companies Mze, Imedi and Rustavi 2 and the first channel of the state broadcaster terminated their night talk- shows for political debates.”

For an accurate assessment of the freedom of expression in Georgia, we may refer to the public defender’s 2004 annual report.<sup>8</sup> An extract of the report confirms the seriousness of the problem.

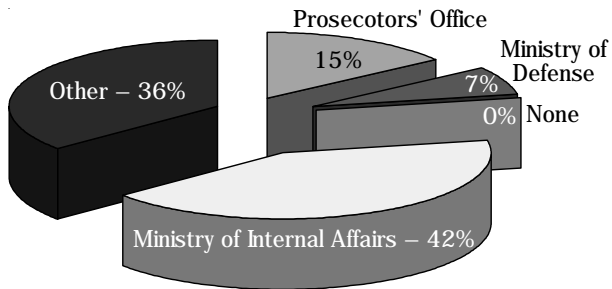
<sup>6</sup> presidential order #550 of June 24,2005 on approving of the national anticorruption strategy of Georgia

<sup>7</sup> British NGO “article 19”, carries out the global campaign of freedom of information in the whole world.

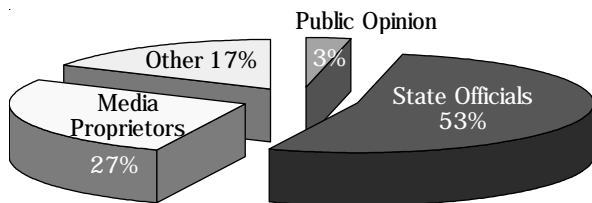
<sup>8</sup> Annual report of public defender of Georgia, Freedom of opinion and expression, 2004

“The most well known procedure in the first half of 2004 was the termination of certain mass media: TV companies (Channel IX, Iberia); newspapers (*Mtavari Gatzeti*, *Dilis Gazeti*, *Akhali Epoka*, *Tribune*), *Omega* magazine and *media-news* information agency. Media owners made the decision, though direct pressure by the government is unknown. However, the announced shutdowns of Iberia TV, *Akhali Epoka* newspaper, and *Omega* magazine provoked wide public outcry, largely because it was known that the government had been interfering in their activities.

In the months following the Rose Revolution, political debates stopped and a wave of media outlets cancelled their talk-shows. Only programs that addressed “soft topics” remained. The program “60 minutes,” for example, broadcasted only several times and was less critical than usual. The program team prepared further programs, but they were simply blocked by the government. As a result, the public in the first half of 2004 could watch only those programs which reflected the government’s perspective and featured only those guests who represented the government. The executive branch talked about its activities. The president and the chief prosecutor held frequent press conferences and briefings, and used the media to broadcast only that information which the president, ministries, gubernators, mayors and prosecutors wanted to disseminate.



**WHO APPLIED THE PRESSURE?**





Journalists never discussed the facts and views of such meetings. Therefore, society received only those facts filtered by the government, about itself. The story, usually, was not verified, criticized, or analyzed. On the one hand, the government would not mislead the public. But on the other hand, the government made sure that the press supported, rather than openly assessed and evaluated, what the government said and did. Journalists no longer sought information for themselves or for the public; journalists accepted whatever the government announced. And some journalists stopped attending the government-sponsored press conferences: first, they were broadcasted live on several channels, but more importantly, journalists were discouraged from asking topical, critical questions.

With this new system of generating information, the state could shape public opinion as it wished. The Georgian government could go about politics with an obedient and servile media.

But since the autumn of 2004 the situation has changed. Competition made TV companies concerned about retaining their audience and improving their ratings. Initially, all channels started to broadcast social programs; then some entertaining shows and scientific programs were added. Slowly, political talk-shows, political debates and political experts went back on air, voicing oppositional opinions little by little. Of course, information programs remained uncritical and TV remained closed to investigative journalism.

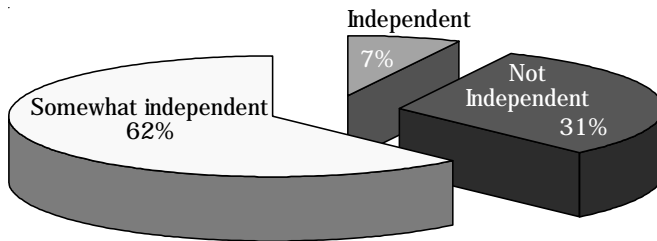
According to Resolution 1415 (2005) of the Parliamentary Assembly of the Council of Europe, the Georgian media is self-censored. The US Department of State reaches the same conclusion in its annual report. Journalists and media owners did not disagree.

### **MEDIA SELF-CENSORSHIP?**

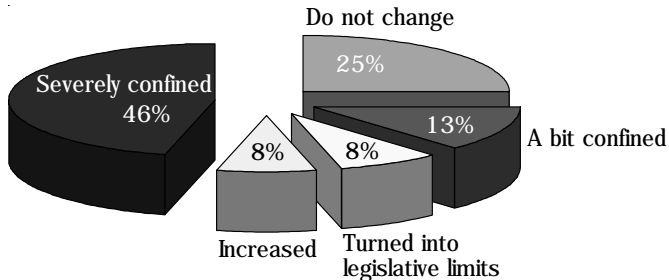
Self censorship is when journalists, fearing reproach from their editors or the government, observe certain limits to their criticism and write within the ideological framework favored by the government. The framework can be thought of as a pyramid. The president is at the top of the pyramid, the government is somewhere near the top, and the citizens are at the bottom of the pyramid. It was public support that catapulted Mikheil Saakashvili to power in the Rose Revolution. Soon, however, Saakashvili moved to form a centralized government. He listened to what a small group of policymakers – not the Georgian people themselves – had to say. And Saakashvili changed the rules of the game: the state bureaucracy will fund and control itself. Thus, there is no need for a robust and active media – journalists should remain quiet and obedient.

## IS THE MEDIA INDEPENDENT?

In your opinion, how independent is Georgian media?



Media independence after the Rose Revolution



The issue of media independence has been debated ever since the Rose Revolution. Experts and politicians presented their views in the newspaper *24 saati* of December 3, 2004. According to MP Elene Tevdoradze, the print media is independent. MP Levan Berdzenishvili thinks that it is ‘somewhat’ independent; lawyer David Usupashvili opines that in comparison to TV companies, the centralized control is not noticeable in print media but that interests of different criminal groups abound. The newspaper also states that according to the data of international organization Freedom House, the rating of media independence in Georgia is four points (on seven-point scale), which means “somewhat independent”.<sup>9</sup> This index has decreased by one point in comparison to 1998-2000. Experts and politicians agree with such assessment. However, lawyer David Usupashvili rejects the opinion that media is totally restricted. He remarks that certain media was more independent before revolution than now. Levan Ramishvili, representative of the NGO Liberty Institute, states that mass media independence has gone down, and

<sup>9</sup> [www.freedomhouse.org/research/presssurvey.htm](http://www.freedomhouse.org/research/presssurvey.htm)

that there are friendly relationships among media magnates, oligarchs and government. “Unfortunately this has an effect on today’s editorial policy. If we want matters improved, the government should break the corrupt relationships with the media,” declared Ramishvili.

*Resonance* (December 3. 2004) provided data by Freedom House. In the same newspaper (December 10. 2004) human rights’ protectors declare that freedom of expression become more restricted after the Rose Revolution. According to Nana Kakabadze, chairperson of the NGO Former Political Prisoners for the Human Rights, freedom of expression is indeed limited. “*When we are watching today’s TV programs, so similar to soviet times, and they altogether resemble too much of the Soviet Past – not the 80s and 90s, but the mid and late 30s. If an agitation ruled the country at that times, PR makes the same today*”, declared Kakabadze. She sees the only solution in international organizations. Ucha Nanuashvili, the executive director of the NGO *Human Rights Informational and Documentation Center*, agrees that help from international organizations is the only solution. Compared with former soviet republics, he said, Georgia declined and media independence decreased considerably over the past months.

David Darchiashvili, chairman of Open Society Georgia Foundation, also pointed out in *Resonance* (December 12. 2004) that the government does not protect the freedom of expression.

Newspaper *24 saati* (March 11. 2005) claimed that the lack of professionalism among journalists was the root of the problem. “*Self censorship in Georgian Media*” – is the title of the article published in the newspaper. “*Disregard... neglect of mass media is our fault if not for 100%, then for 70- 80%*”, states the journalist, who believes that the post- Revolution government completely ignores the media expect to demand its obedience. On the one hand, involvement of media magnates into politics, and on the other hand, control of media magnates by the government, as well as unprofessional journalists causes the problem with media in Georgia today.

In response to the president’s statements, *Akhali Taoba* (April 19. 2005) comments: “*The press helps shape the political climate. Statements about read and write what you want will not do him any good. The journalists can do great things. the President’s statement was a great mistake. He humiliated and pained the mass media,*” declared Irakli Tsereteli, National Independence Party leader.

On July 5-6, 2005 the newspaper *Akhali Versia* wrote governmental influence on the media. According to newspaper, the press has not yet experienced censorship from the government. Since fewer Georgians read

newspapers than watch TV, the government does not perceive the press as a threat. But indirect attacks on press are already happening. Eliso Chapidze of *Resonance* thought that the president was upset by the rise in articles critical of the government. She is also concerned by the president's initiative forbidding state agencies to subscribe to newspapers. Petre Mamradze, the head of the office of chancellery, explains that GEL 15,000 was spent on annual subscriptions, mostly unread.

Malkhaz Ramishvili, the founder of *Akhali Versia*, considers it unpleasant that government sees the press as an enemy, but suggests that this means the press is not involved in transactions and different political games with the government.

*Akhali Versia* also wrote on the statements of the *Georgian Media Club* on July 8-10 2005. Self-censorship is a myth, it comments, invented by the government in order to conceal its own misdemeanors and to deepen public distrust towards journalists. The government tries to control their activities and to punish those mass media which disobey and disseminate unfavorable information. Journalists, however, appeal to the government to refrain from interference.

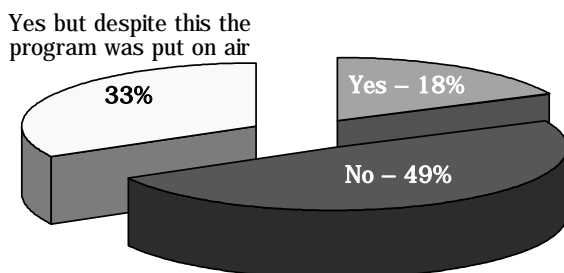
Media independence in Georgia was also discussed during the meeting with George Bush on May 2005. During this meeting Saakashvili regretted that Georgian media often 'undeservedly' criticized him.

According to *Resonance* (May 16.2005), majority representatives have similar opinions: Koba Bekauri thinks that Georgian media is totally free, while Aleksandre Shalamberidze believes that media is independent enough that different opinions air on different TV channels.

Journalists and the opposition, however, believe that the president has nothing to complain about, since the print media is more independent.

Shalva Ramishvili, the founder of TV channel 202, states that highly rated programs watched by the majority of the population are free from presidential criticism. He thinks that there are some limits, and some close relationships between media magnates and government representatives. Zviad Dzidziguri, who also pays attention to the founders of TV companies, is more optimistic. He declares that when the political demand exists, a supplier will satisfy that demand. One of the channels will be strong enough to do it and others will follow afterwards. Therefore control over mass media is only temporary; Georgian mass media would soon become as effective as it was under Shevardnadze. Opinions of media representatives are differing and contradictory.

## After the Rose Revolution, was your program at all censored?



Nino Loladze of *Akhali Versia* thinks that media is in a far better position now than during the first few months: *“Attention is loosened little by little, media thought: the president knows that obedient media is useless and this probably is why the criticism appeared in the media.”* As for self-censorship, Nino thinks that it is not the concern of journalists, but primarily *“founders and publishers who suffer from problems and the worsening of the situation... so they make concessions. The electronic media is concerned with praising the government,”* she says. Nanuka Jorjoliani states that all mistakes are recorded by media representatives and no single fact is missed. Jorjoliani emphasizes: *“if we look through the scandalous titles, the government is not spoiled by praise.”* Journalist Diana Trapaidze says the president cannot complain, since much more can be done. Media independence depends on the quality of independence itself, she argues, on the program, mass media and channel itself. She points to Giorgi Targamadze’s program as an example of the most independent program.

In conclusion, consider the results of a survey of 55 journalists on the freedom of opinion and expression.

After the new government assumed power, media freedom was a hot topic. Programs were shut down, journalists were attacked, and other reporters were intimidated more and more in 2004.

*Akhali Versia* publishes the opinions of politicians and journalists on the pressure they have experienced.<sup>10</sup> Government representatives deny pressuring journalists. Koba Bekauri of the parliamentary majority claims that the government respects freedom of media as never before and that cases of abuse should be investigated individually. Another representative believes that the media is somewhat restricted but abuse occurs in regions because of their different mentality and street quarrels.

<sup>10</sup> Newspaper “Akhali Versia”, September 9-11<sup>th</sup> 2005

Journalist Ia Antadze is concerned by attacks and blackmailing. The problem, she argues, is editorial independence, with media magnates siding against the journalists.

*Akhali Versia* recalled how media was pressured before the Rose Revolution, but that journalists were rarely physically abused. Indeed, under Shevardnadze, journalists were not beaten for doing their job. According to Eliso Chapidze, the deputy editor of *Resonance*, journalists experienced a range of pressure under Shevardnadze, including court hearings and public controversy. Today different pressure is exerted. Information is simply restricted, and the government secretly controls informational programs.

## **PROHIBITIONS OF HUMAN RIGHTS PROTECTION CAMPAIGN IN GEORGIAN TV**

**Restriction of anti-torture advertisements by state antimonopoly service was one of the examples of restricting freedom of expression.** On December 2004 the state antimonopoly service of Georgia by the order of the Ministry of Interior banned broadcasting of five ads, prepared by the request of NGO "Former Political Prisoners for Human Rights".

These ads were broadcasted from February 2004. The Ministry of Internal Affairs made special statement, according to which such ads increase public distrust towards police.

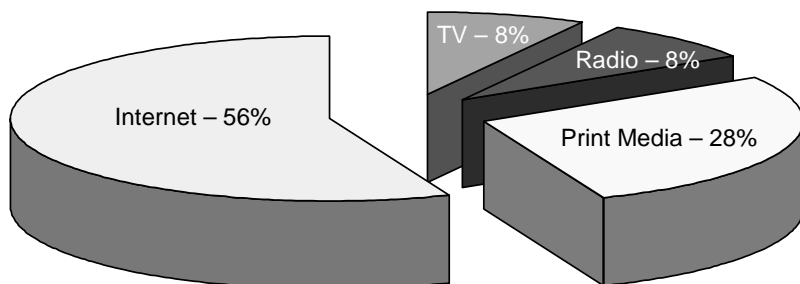
In the meantime the antimonopoly service of Georgia refused to grant the status of social advertisement to the advertisements presented by the "Association of Legal Education" "ALPE". The main reason of refusal was the position of the Ministry of Interior according to which the ads cast a shadow on the image of the police.

Consider that in its letter the deputy head of the antimonopoly service of Georgia verified the refusals by the position of the Ministry of Interior and presented no single arguments of his own. Antimonopoly service sent the letter not only to the customer, but also to TV channels. "Association of Legal Education" "ALPE" changed the ads later and only afterwards it succeeded to receive the status of social advertisement from the state antimonopoly service. We can conclude that the problem is called "institutional crisis".

## “REFORMS” ON PRIVATE TV COMPANIES

Generally, in Georgia TV companies are information policy makers in Georgia. Consequently the term “self censorship” applies mainly to them. The founders of the main TV companies “Mze”, “Imedi” and “Rustavi 2” have close relationships with the government. Moreover, they themselves represent the government in a certain degree. During Mikhail Saakashvili’s presidency the government and media magnates are the one group and the journalist is left alone without protection under joint pressure of the government and media magnate.

**The most independent mass media today is:**



Georgian media being very critical during Shervardnadze’s governance become more obedient since 2004. During 2004 personal programs of disobedient journalists who were difficult to control by the government and investigative journalism disappeared from the TV screens. Sometimes journalists were subject to direct attack and violence (Revaz Okruashvili – editor in chief of newspaper in Gori). Even though neither founders, nor editors or ordinary journalists, except some rare exceptions, speak on pressure from the government, analysis of media space proves restriction of media and the main reason is absence of editorial independence<sup>11</sup>.

*Resonance* becomes interested in the subject and on February 28, 2005 published the article entitled “Is freedom of media restricted in Georgia? What are the reasons of shutting down of “Gamis Mzera” and who closed “60 minutes?” The newspaper pays attention of media magnates and “accuses” them in relationships with the government. The fact that 50% share of TV Company “Mze” belongs to David Bejuashvili – person who funded president’s election campaign sheds light upon everything.

<sup>11</sup> The annual report of the ombudsman on freedom of speech and expression (2004)

“Perfect lever of influence over TV Company “Imedi” is Badri Patarkatsishvili himself,” - *Resonance* writes, “It is difficult to say how effectively Russian law enforcement agencies search for him, but this trump can be used by the government at any time when they need it”.

As far as TV Company “Rustavi 2” concerned, according to the newspaper Kibar Khalvashi, friend of Irakli Okruashvili has bought the most part of the company and afterwards some journalists left the company.

Organization “Article 19” wrote about the same problems in its report. “Erosi Kitsmarishvili – who was one of the owners of “Rustavi 2” sold his share to the businessman Kibar Khalvashi who is accepted at the court of ruling elite. The second proprietor of the share is the minister of defense Irakli Okruashvili. Later former head of the information center of the channel and former deputy minister of foreign affairs (in Saakashvili’s government) Nika Tabatadze became the executive director of “Rustavi 2”. Nowadays three private TV Channels (“Imedi”, “Mze” and “Rustavi 2”) compete for advertisement market and spectators. Two companies changed their owners and it is hard to say whether the change of management was caused by political pressure. One of the new proprietors of TV Company “Mze” is a Member of Parliament and brother of the secretary of Security Council. The proprietor of TV Company “Imedi” is oligarch Badri Patarkatsishvili who tries to build good relationships with the representatives of new government. Besides being a proprietor of the TV Company he has a lot of other different political and business interests in Georgia”.<sup>12</sup>

## **SHUTTING OF NIGHT POLITICAL PROGRAMS, TV COMPANIES AND NEWS AGENCIES**

*“Freedom of press is an important tool in society’s hands, by means of which one can obtain the information on views and positions of political leaders, and create an opinion on them...”*

*European Court on Human Rights*

*Akhali Taoba* of February 11, 2004 wrote that experts and specialists object to closure of night programs of leading TV companies. Nino Burjanadze the head of parliament spoke about closure of programs in *Akhali Taoba* of February 11.2004 and in *Akhali Versia* of February 16-22, 2004. She denied the widespread rumors on possible restrictions of media but at the same

<sup>12</sup> British NGO article 19, global campaign on freedom of opinion and expression; research of freedom of information and media “Free media in Georgia after the Rose Revolution”, May 9.2005



time she pointed out that it would be better if shutting of the programs took place a bit earlier or a bit later, even after elections, since the simultaneous shutting of these programs before elections on different TV companies caused various reactions in the society. *“I have no intention and believe me neither the president wishes that anybody expressed doubt as though Mikheil Saakashvili shuts TV programs.”* –Nino Burjanadze declares.

*“The government should not make a mistake with mass media”* – this is the title of the article published in *Akhali Taoba* of February 12, 2004. The article concerned discussion of the problems in mass media. According to the newspaper the three leaders of the revolution forced media to do what they wanted. Two popular political programs already have disappeared from Georgian TV space. The government took into account the advice not to overburden the society with politics on the evenings.

Giga Bokeria did not share the agitation concerning the closure of TV programs. He does not consider *Gamis Mzera* and *Gamis Courier* (night political shows) as programs for debate and thinks that the format of these programs is outdated. *“Programs which last for five hours and in which the participants try to fight like roosters do not exist anywhere in the world”* – declares Giga Bokeria. He thinks that the main problem pertaining to freedom of speech is lack of legislation regulating slander and lack of foreign investments, rather than shutting of the programs. Even though part of the society links shutting of the programs to political pressure management of TV companies *Rustavi 2* and *Mze* exclude the pressure.

Some journalists still doubt that shutting of the night political shows is the result of governmental influence. *Akhali Versia* of February 23-29, 2004 provides that as soon as *Akhali Journali*-the magazine tried to speak about censorship, those 8 pages with the article *“Why popular journalists disappeared from TV screens?”* has disappeared itself.

## **ASSAULT ON OMEGA GROUP**

Along with the closure of TV programs, drama also unfolded in the Omega Group in February. According to *24 Hours* (February 23, 2004), illegal operations of Omega Group were discovered in all branches of the company throughout Georgia. All establishments, mass media among them, including founder Zaza Okruashvili were searched. The searches of *Iberia TV*, *Akhali Epoka* newspaper and *Omega* journal were seen as forms of pressure on the mass media, but the prosecutor general Irakli Okruashvili does not share this opinion. According to him, the search conducted in the offices of *Omega*

*Group* is connected with the concrete facts of criminal offences and has nothing to do with the confinement of media. *Resonance* newspaper (February 20, 2004) published comments from Okruashvili in which Giga Bokeria agreed with his opinion that the search of Omega Group was conducted legally.<sup>13</sup>

Newspaper *24 Saati* (February 23, 2004) features Tinatin Khidasheli, head of the Young Lawyers' Association, responding to the "operation" conducted in Omega Group and declares that despite the legal reasons for searching Omega Group, no one has the right to hinder the operations of the TV Company. Tinatin Khidasheli demanded an apology from the president before *Iberia* TV for the operation.

Critical assessments are also printed in *24 Saati* (February 23, 2004) by the journalist of "Radio Freedom" Ia Antadze. In her opinion it is unacceptable to frighten journalists based on doubts. Lasha Tugushi, editor in chief of *Resonansi*, believes that the TV and press are special institutions and should be especially protected. From the legal point of view, this "operation" is unacceptable for painter Gia Bugadze, who interprets it as a restriction of the freedom of speech. Representatives of the "Kmara" movement also considered the "operation" in Omega Group as an inimical to freedom of speech.

Because special units of prosecutors' office intruded into the Omega Group, the issue of the newspaper *Akhali Epoka* and its literary supplement *Chveni Mtserloba* were not published. According to *Resonansi* (February 21, 2004) in the headquarters of the *Omega* journal, the editor of *Omega* and *Chveni Mtserloba*, with the workers of the newspaper, held a conference on these facts. According to editor, this action was not taken against particular newspaper or company, but against the society as a whole. Critic Levan Bregadze is condemned such actions as an assault of complete ignorance.

In *Akhali Taoba* (February 22, 2004), Irina Sarishvili interpreted the fire of representatives of special units as a criminal offence.

Journalists tried to protest in the streets. According to *24 hours* (February 23, 2004), journalists of *Georgian Times* and *Tribuna* laid before parliament a coffin with the epitaph "Freedom".

The actions against Omega Group and the closure of night programs did not lose urgency. According to *Resonansi* (March 3, 2004), these actions spurred public discussion on the question: "does the government try to confine freedom of speech?" The answer is twofold. Political scientist Ramaz Klimiashvili said that despite the closure of publishing houses, it is hard to talk about

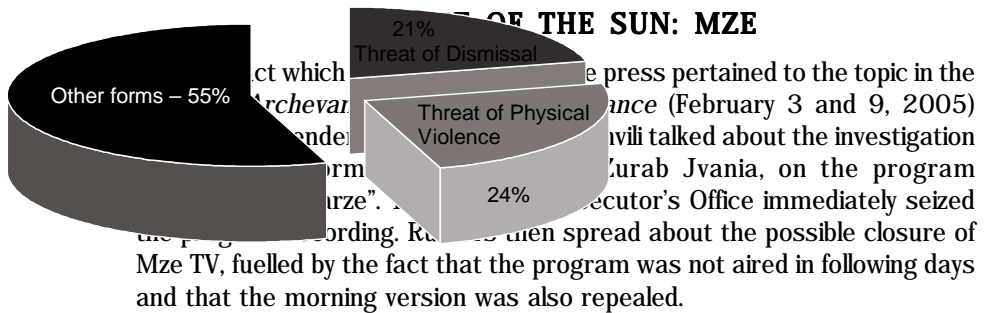
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<sup>13</sup> *Resonansi*, February 20, 2004.

restricted speech, so he refrains from critical statements. Nor does lawyer David Usupashvili see signs of the restriction of freedom of speech. He criticizes the government’s action against the media, but he sees no threat to free expression. “The restriction of speech by criminal proceedings or persecution against someone for freely expressing his views...does not exist in Georgia today...I know nothing about them,” states Usupashvili.

Nana Kakabadze, head of NGO Former Political Prisoners for the Human Rights, declares that the restriction of freedom of speech became common just days after the Revolution.

### The means of pressure



Koba Davitashvili, leader of the Conservative Party, addressed the issue in *Akhali Taoba* (February 9, 2005.) He opined that the proprietors of informational agencies are under government pressure. Koka Guntsadze, right wing opposition, agrees: the government uses censorship by means of pressure on the proprietors of mass media.

*Resonance* again reports on the closure of programs “Gamis Kurieri” and “60 Tsuti”. According to the newspaper, the journalist of *Rustavi-2*, Eka Khoperia, was punished for excessive courage when she hosted the night program in which Kote Kemularia and Maia Nadiradze seemed helpless

against the arguments of Tinatin Khidasheli. One journalist of “60 minutes” said that the new government felt threatened by such programs and thus got rid of them. But journalists of *Resonance* hope that journalists will grow so frustrated with governmental pressure that one day they will expose everything. “*At that time, the government will also come out from its euphoria and refrain from hindering its activities, if not assist.*”

## **CENSORSHIP OF LIVE BROADCASTS**

On April 2005 the press wrote about the censorship of program “Droeba” on Imedi TV. On April 5, 2005 *Resonance* published an article titled “Why part of the program on financial police was extracted from “Droeba?” Imedi advertised all day when “Droeba” was to show the sensational material about the scandal in the financial police. But in the evening it was not broadcasted. Host and journalist Giorgi Targamadze explained that it was the owner of the Imedi TV who made this decision. The founder of *Imedi*, Badri Patarkatsishvili, said the plot would not help either Imedi or Targamadze, who already enjoys high ratings. Patarkatsishvili did not exclude that someone tried to use “Droeba” as a tool in the war against government.

In *Akhali Taoba* (April 5, 2005) Koba Davitashvili discussed signs of authoritarianism in Georgia in the widespread censorship of TV companies. Koba Davitashvili and his associates required the General Prosecutor’s Office to bring criminal proceedings against the head of financial police David Kezerashvili. By extracting the plot from the program, they believed, Kezerashvili abused his power and restricted the freedom of opinion. Davitashvili also discussed the program’s plot<sup>14</sup>. *Resonance* (April 5, 2005) published statements of the NGO Former Political Prisoners for Human Rights, whose members argued: “*This fact shed light on the forms and methods of censorship in the media. Until now, we were knew about this only theoretically, but this has revealed how media magnates can block “unnecessary information” whenever they need.*” It is also mentioned that Badri Patarkatsishvili’s explanations are laughable, intended for naïve people only. Anyone could guess, however, who ordered Badri Patarkatsishvili to block the program against Kezerashvili, because the high official is now inviolable.

This was discussed by media experts on May 3, 2005 at the International Day of Free Expression. *Akhali Versia* of May 4-5, 2005 presented their

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<sup>14</sup> According to Koba Davitashvili, the telephone conversation between David Kezerashvili and Zurab Tserodze concerned the purchase of vehicles for the financial police without competitive bidding and agreements with different companies. David Kezerashvili mentioned Minister of Finance Valeri Chechelashvili as being unquotable during this conversation.

views and comments on the situation. Tamar Chikovani, head of the Tbilisi bureau of *Radio Tavisupleba*, says the media situation has improved over the last months; the euphoria of revolution has decreased and TV channels are returning little by little to their usual vigor. Media, she continues, is under pressure, indeed, but government influence has declined since September 2004. Chikovani considers it progress that Giorgi Targamadze's went public about how the TV channel owner was blocked.

Head of the *Media Club* Magda Popiashvili argued that the media situation has significantly deteriorated since the new government came to power. Whether by the presidential administration and insignificant departments, or other state agencies, information is being blocked. Press centers of state agencies do not disclose critical information and disseminate only information they prefer.

Media experts also discuss presidential briefings. Magda Popiashvili thinks that the president invites to his briefings only those journalists and TV companies which are favorably disposed to the government. Print media and radio is rarely invited. She does not consider it necessary to broadcast presidential briefings live, and says that the government induces TV companies to broadcast all presidential briefings. The head of Radio Freedom is not invited to the briefings, he says. But this does not concern him: "*If you do not have the opportunity to ask questions, then what is the use of going there: you can listen to the president on TV,*" reasons Chikovani.

## **THE CLOSURE OF INTER-PRESS**

At the beginning of June 2005, rumors spread about closing the information agency. On June 3, 2004 the newspaper *24 saati* reported that Inter-Press was closed. Newspapers said the decision to close the agency was made four months ago, but the founders allowed the agency to continue operating for a brief period. "*We always tried to disseminate objective, comprehensive and timely information. Sometimes we managed to do it, sometimes not. As it seems, professionalism and attempts to improve are not necessary,*" states Inter-Press.

*Resonance* (June 5, 2005) opines that the closure of the agency is related to the comment of Giorgi Zhvania, Zurab Zhvania's brother. He showed up on TV to debate MP Giga Bokeria. Bokeria was feeling awkward and irritated. But the newspaper says even the management of the agency is not fully aware of why the agency was closed. In such a situation, the government always benefits from the "presumption of innocence."

## THE CLOSURE OF PROGRAM "ARCHEVANIS ZGVARZE"

By February 3, 2005, society had started to talk about the closure of the program *Archevanis Zgvarze*, which had broadcasted for several months. It closed in July.

*Resonance* (July 7, 2005) reports that MP Giga Bokeria strongly criticized the program broadcasting the protest of wrestlers' on June 30, saying that in any other country such a journalist would have been discharged. The next day, the program was not broadcasted and then stopped functioning entirely. The majority of the parliament thinks that the program was shut for Giga Bokeria's statements.

Levan Berdzenishvili of the Republican Party agrees, noting a link between the program's termination and Giga Bokeria's statements. "*I do not want to call him an authority. Certain Nazi elements who all his life protected freedom of speech, who together with Levan Ramishvili and Givi Targamadze is a co-author of the book "Situation of media in Georgia in the 1990s" is now combating freedom of media. Closing of the program has been decided after Giga Bokeria's statements,*" Berdzenishvili declared.<sup>15</sup>

In *Akhali Versia* (July 11-12) Giga Bokeria denies involvement in the affairs of the TV company, claiming not to know why the program was closed. He, however, repeated that in any normal country the journalist would have been discharged from the position for such unprofessional and unethical actions. "Media representatives must get used to the fact that they are not a special, inviolable group. Just as the press can criticize the government and politicians, any politician is entitled to rightly assess journalists' actions," Bokeria declared.

Representatives of the right wing opposition, the Conservative party and the Republican Party sent a letter to the international community. They stated that government violates democratic principles, and they urged them to protect the achievements in Georgia.<sup>16</sup>

Journalists also spread an application addressed to the monitoring commission of the Parliamentary Assembly of the European Council, the Georgian government and various international organizations in Georgia. *Resonance* (July 8, 2005) published the article. As the journalists explain, the new authority has attacked the mass media from its first days in office. Unfavorable programs are removed from the tele-net. And, they claim, certain radios, newspapers and means of information are simply ignored during

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<sup>15</sup> *Resonansi*, July 7, 2005

<sup>16</sup> *Resonansi* July 7, 2005

governmental briefings. Journalists have further criticisms. First, they criticize the president of Georgia for terminating subscriptions to Georgian newspapers and magazines in state agencies. Second, they resent the closure of the program “Archevani’s Zgvarze,” stating that the parliamentary majority were unreasonably critical of journalists. And, finally, the journalists urged the government to stop interfering in mass media and ignore existence of self-censorship.

MP Giga Bokeria was accused of attempting to pressure the mass media. *Akhali Taoba* (September 27.2005) reported that Bokeria blocked members of the Labor Party from participating on “Reaction” aired by Imedi TV. According to Rati Maisuradze, he had a dispute with Bokeria when preparing the program.

*Resonance* (July 11.2005) polled the public for their views of the mass media and the question of governmental pressure. “*Several months after the Rose Revolution, the public had to get used to the disappearance of evening talk-shows. The analyst journalists began to disappear... Now, society has to get used to closure of the program “Artchevanis Zgvarze.”*”

As *Resonance* states, most people believe that the mass media has fallen under governmental pressure since the Rose Revolution. The government loathes being criticized, so tries to suppress it. Citizens think that if journalists are afraid of something, they will not fully express their opinion. They hesitate to ask questions, even during events or about issues that deserve criticism. The mass media needs more freedom and independence, the public says. And when such a strong TV Company like Mze does not feel protected, there must be substantial aggression toward the media. “**Mass media is a mirror of the government; if it does not want to see its real face, it is a very negative trend,**” declares one citizen. Some people even say that if the government continues on its current path, it will stop functioning like its predecessor. Others, however, view the media as free and unrestricted.

### **SPECIAL OPERATION IN GEORGIAN TIMES**

In July 2004 a special operation was carried out in the publishing house of the *Georgian Times*. As *24 saati* reported (July 15.2004) several financial policemen entered the office of the *Georgian Times*, and explained the need to search for operational information. *Georgian Times* employees were sure that the financial police came upon an order from the Tbilisi prosecutor, Valeri Grigalashvili. The prosecutor, allegedly, was furious about an article in the newspaper about his property. Thus, journalists interpret the operation

as an attempt to pressure the newspaper; months earlier, they point out, Grigalashvili threatened to close the magazine.

According to *24 saati*, the financial policeman rejected the notion that their action was unlawful. As the financial police declared, the *Georgian Times* is an ordinary enterprise and the financial police is obliged to reveal financial-economic deficiencies and violations.

Makhaz Gulashvili, founder of *Georgian Times*, said the police acted unprofessionally. "*The police will have to name the source for which it conducted an immediate procedural action. They will be held liable for penetrating in the publishing house,*" Guliashvili declared.

Representatives of the Free Press Association also criticized the police for penetrating the office. In *Resonance* (July 28.2004), they demand that the government respects the right of the press to collect and disseminate accurate and impartial information, along with the right of the public to receive such information. The government should have this respect whether it likes the information or not.

### **THREATENING THE EDITOR OF *PRESS-PREMIER***

*Resonance* (July 17.2004) describes how the editor of *Press-Premier* magazine, Ketis Sesiasvili, was threatened with physical violence. The editor convened a press conference and urged cooperation among the colleges. She talked with the journalists about the two attacks on the publishing house. The first attack took place on April 20.1004. Merab Boiko invaded the office and yelled out how one liter of diesel and one match was enough to spread a fire in the office. The second incident took place on July 9. But this time the stranger brandished a gun. What is common to both incidents is that both strangers submitted to Ketis Sesiasvili certificates of the National Movement. Allegedly, the certificates were false and their acts a mere provocation but, as the editor argues, an investigation should verify this. He says that not only is the editor of the journal under threat. None of the printing houses accepted copies of the journal. Ketis Sesiasvili hopes that after publicizing the facts the government should respond in kind, but that no media should be shut down.

### **ROBBERY OF *AKHALI VERSIA***

*Resonance* (July 30.2004) reports the robbery of *Akhali Versia*. Night robbers left *Akhali Versia* without information and photo archives. The deputy editor recalled how just two days before, two men, angry over the article in *Akhali Versia*, invaded the office of the newspaper and threatened its employees.



The article, for its part, exposed close links between Kokoiti and the Russian military headquarters. The article specified the name of one person. The editor thinks that police will soon investigate the case.

### **TERROR IN GORI**

On August 3.2004, *Akhali Taoba* reports the detention of the editor of *Khalkhis Gazeti*. The article provides that he has been detained for realization and storage of drugs. Protests followed his detention. Protestors claim the action was pressure on the free press. Levan Ramishvili of “Liberty Institute” does not exclude that the detention was arranged by the police.

Newspaper *24 saati* (August 3.2004) also writes on Okruashvili’s detention. The article includes the head of the Shida Kartli police department, who describes the search as based on operational information and not against the law. The head of the local department against criminal affairs, however, said that local authorities dislike the newspaper. The article about the presidential envoy in Shida Kartli region was the most scandalous. It described the envoy as a deserter. Periodically, the newspaper also exposed instances of law enforcement agencies acting more like violators of order and human rights than enforcers of them. The journalists consider the action as attacks on free press and threaten to protest.

“Governing party protects free media” - is the title of an article published in *24 saati* on August 4.2004. According to the article, MPs Giga Bokeria and Giorgi Arveladze arranged a special briefing to voice concern about Okruashvili’s detention.

Local NGO Article 19 used this example in its evaluation. It provides that Revaz Okruashvili carried out some journalistic investigations in the region and the police detained him for drug realization. “With active involvement of NGOs, media and other civil society representatives the journalist was released later.”<sup>17</sup>

### **TERROR IN GURJAANI**

There were several reports on the attack in *Imedi* newspaper of the Gurjani region. The editor of *Resonance* (January 8.2005) sees the attack as related to his journalistic activities. He says that an official warned him about the pending attack some days before, since head of local municipality of Kakheti region was dissatisfied with his activities. “Everything is planned to eradicate free opinion in the Kakheti region,” Gela Mtvlishvili declares.

<sup>17</sup> Article 19, Global Campaign for Free Expression, 2005

In June 2005 Mtvlishvili was attacked. According to *24 saati* (June 24.2005), Mtvlishvili connects the fact to the newspaper publications where he criticized law enforcement agencies. He doubts the Gurjani regional police and requests investigation of the case by law enforcements agencies in other regions.<sup>18</sup> He explains his mistrust by pointing to the impotence of the police, which he declares could have, but failed, to detain the offender.

Liberty Institute and the Georgian Young Lawyers' Association were also critical. In their opinion, law enforcement agencies should stop such unlawful actions: "We condemn this incident and hope that law enforcements will assess everything in an objective manner."

On July 16.2005, *24 saati* writes about the bomb in Mtvlishvili's house. The editor thinks that both incidents are interrelated to his journalistic activities and declares that for the last period the newspaper actively criticized law enforcements and employees of education sphere. "*The editor of Imedi declares that persons to whom the criticism was directed to are trying to take a revenge for the publications,*" he declares. Public Defender Sozar Subari<sup>19</sup> explained it is not the first attempt to influence journalists, but law enforcement did not effectively react to the incidents. The victim himself does not exclude the participation of law enforcement agencies in the attack and is suspicious of Gurjani regional police. He also demands that other law enforcement agencies investigate the case.

Ia Antadze, head of the civil education department in Ombudsman's office, also is also concerned with the issue in *Akhali Versia* (July 18- 19.2005). "When journalists are threatened for publications it is already frightful. It is typical criminal activity and the offender must be punished. If the government does not stop pressure on independent media then it will receive it back by negative procedures."

For law enforcement inactivity or for the trust that local officials were inviolable the chain of attacks on Mtvishvili has not ended by this. *Resonance* (November 23.2005) publishes that a bomb appeared in Mtvishvili's house. Local government threatened Tivishvili openly: "*They call me a blackmailer, they want me to leave the region. They wanted me to stop, but I will go on. Some days before Kako Sikharulidz, - Gamgebeli of Gurjani region, openly threatened me with special military units. Local government is in charge of everything going on here,*" declares Mtvlishvili.

The Georgian Young Lawyers' Association considers it an acutely dangerous trend. Chairperson Anna Dolidze believes that people who do not follow democratic principles can do anything they wish. "*It is a real shame for Georgia to have such representative of the executive branch. After such actions, he must at least be discharged from his position...*"

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<sup>18</sup> *24 saati*, June 28 2005.

<sup>19</sup> *24 saati*, July 16, 2005.

## .....AGAINST MIKHAEL KARELI

*Akhali Versia* (March 11- 13.2005) describes blackmailing of journalists from Gori by the government. Experts and journalists discuss only generally on problems in the media. They refrain from publicizing specific cases of pressure by the government, yet their statements became louder and more frequent.

After Saba Tsitsikashvili of *Akhali Versia* and *Trialeti* criticized the local government in print, he was discharged from *Trialeti* several times, but defended his principles persistently. In *Akhali Versia* Tsitsikashvili details how he and his colleagues were persecuted in the region. Journalists, he describes, are subject to pressure by the presidential envoy in Shida Kartli region, Mikheil Kareli. Magda Popiashvili, the head of the media club, states that regional leaders block information which may be used against them by the journalists. The journalists work under fear and local authorities explicitly ask the editor to discharge disobedient journalists.

*Akhali Versia* (May 6- 7.2005) writes on the blackmail of Saba Tsitsikashvili, who applied to the ombudsman and Liberty Institute to protect his rights. Akaki Minashvili, representative of the Liberty Institute, declared that journalists are under pressure in Gori. But public agencies do not release information – a direct violation of the freedom of expression. “*Currently in Georgia there is group of persons who do not recognize law. There is a syndrome of impunity in Georgia. Mikheil Kareli can insult journalists verbally or physically without any reason,*” Minashvili declares. He also mentions how the head of the regional police put pressure on Ia Tinikashvili of *Imedi*, but doubts that Guram Donadze was involved.

In *Akhali Taoba* (May 5.2005) Saba Tsitsikashvili accuses Mikheil Kareli of harassment. As Tsitsikashvili declares at a Liberty Institute press conference, when he tried to take photos and write about those who suffered from natural disasters, Mikhael Kareli physically abused him.<sup>20</sup>

In addition, *24 saati* (September 7.2005) describes the battery of journalists. Near a railway station, three strangers beat journalist Saba Tsitsikashvili, who related the attack to his journalism. The regional envoy pointed to increasing crime in Shida Kartli. But Mamuka Paniashvili, who represents the regional right wing opposition, says that the physical abuse of the journalist is in Kareli's interests. The Gori office of the Georgian Young Lawyers' Association also expressed concern about the abuse of journalists, offering legal aid if needed.

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<sup>20</sup> See *Akhali Taoba* of May 8- 14, 2005 for same information.

In *Akhali Versia* (September 7-8.2005) Saba Tsitsikashvili describes himself the attack as plotted by local authorities. Or, as he suggests, the attack may have been the source of controversy among Vladimer Jugheli, the head of the local police, and presidential envoy Mikheil Kareli.

Magda Popiashvili, the head of the Georgian media club declares that lately facts of journalistic attacks became frequent; however, they are left without reaction by law enforcement agencies<sup>21</sup>.

## THE WEEK OF ATTACKING JOURNALISTS

This is the title of the article published in *Resonance* (12.09.2005) about the attacks on Saba Tsitsikashvili and Irakli Kakabadze. The newspaper provides that it is also noteworthy the president did not comment on the attacks. But at the end of the week, the president declared that democracy is developing without any hindrances and there is no pressure of media: “*I am proud of the freedom of press... If any boy dared to implement pressure on the press, I will be his first enemy since it would be an attack on my ideals, priorities and authority. I promise that it will not happen.*” – It is the late response of the president. He, however, fails to keep his promise or prevent media pressure.

## JOURNALISTIC BRIBE<sup>22</sup>

“Shalva Ramishvili is detained!” *Akhali Taoba* reports on August 27, 2005 about the detention of Shalva Ramishvili, founder of TV Company 202 and host of the “Debates” program. According to the paper, MP Koba Bekauri accused Ramishvili of accepting a bribe not to air critical journalistic investigation shot by the studio “Reporter”. The Minister of Internal Affairs Vano Merabishvili said that the law enforcement agencies knew about this; he also said that free media should release itself from blackmail.

In *Akhali Taoba* (August 30, 2005) MP Koba Bekauri went public about how Ramishvili blackmailed him and went about recording misinformation by camera. Of course, Ramishvili denied the accusations; instead, he claimed, since Bekauri kept calling him to ask not to broadcast the film, Ramishvili decided to use the concealed shooting to depict how much Bekauri is ready to pay of this film. But Ramishvili also admitted that money transferring process was poorly planned and that his is a poor Sherlock Holmes.<sup>23</sup>

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<sup>21</sup> *Akhali Taoba* of September 7, 2005 also wrote about the assault on Tsitsikashvili.

<sup>22</sup> See *Akhali Taoba* of August 27, 2005.

<sup>23</sup> *24 saati* of August 30, 2005.

This shocked society. Opposition party representatives lavished support on Ramishvili. They believed that Ramishvili was innocent and viewed this action against TV Company “202” as an attack on mass media in general. Ioseb Baratashvili, one of the leaders of the political movement Freedom, also agreed,<sup>24</sup> and Koba Davitashvili stated: “Shalva Ramishvili and his unconfined broadcasting became the headache of the government.”<sup>25</sup>

In an interview with *Akhali Taoba* on August 30, 2005 lawyer Tinatin Khidasheli talked about the threat to close TV Company “202”. She criticized the government’s move, hoping that “202” would survive, and noted that every sane person would support TV Company. Expert Mamuka Areshidze disagrees that it was a threat, but underlined a TV Company without a leader is useless. “Dardubala could not be prepared without Shalva,” he declared.

Nana Kakabadze, head of NGO Former Political Prisoners for Human Rights, was also shocked. In *Akhali Taoba* (August 29, 2005), she does not rely on officially spread information and promised to go public about the issue after learning more about the case. Nor did Tea Tutberidze know everything about the case, having listened to only one side. “Shalva’s arguments are very important for me,” she declared.

According to *Akhali Taoba* (August 28 and September 3, 2005) representatives of the Labor Party also defended Ramishvili. “*By confining Shalva Ramishvili, they sent a warning to the media,*” Soso Shatberashvili representative of the Labor party declares. Another representative, Jondi Baghaturia, agreed: “this was the warning for journalists who still publish articles and broadcast programs critical of the government,” declared Baghaturia.<sup>26</sup>

Even though most people accuse the government of pressuring the mass media, the head of the Alliance of Independent Journalists and Attorneys, Ioseb Beradze, disagreed that the threats were forms of pressure, and said he never felt pressure himself. He left open the possibility of pressure on Ramishvili. “If you claim to serve the truth, you ought to meet the standard yourself,” declared Beradze to *Akhali Taoba* (September 2, 2005).

The representatives of civil society also got involved in the controversy. They wrote in *Akhali Versia* (September 2-4 2005) and *Resonance* (September 2 2005): “This cannot be unlawful for a journalist or media proprietor. This will further abase the media, already weak and under governmental

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<sup>24</sup> *Akhali Taoba* of August 31, 2005.

<sup>25</sup> *Akhali Taoba* of September 4-10, 2005.

<sup>26</sup> *Akhali Taoba* of August 29, 2005.

pressure,” they declared about the action to shut down the program “Debates” and the broadcasting of TV Company “202”.

But opinions diverge. According to *Akhali Taoba*, Gia Burjanadze, the head of the Christian-Democratic Association, argues that “202” is neither democratic nor critical of the government. The representatives of the CDA were never guests on TV Company because Ramishvili served only certain political forces.” Gia Burjanadze opines that Ramishvili opposed the government only after definite forces and Shalva himself lost the “share” they figured would be theirs. Afterwards, he joined the “Republicans” and victimized himself to their PR campaign.

In reference to Ramishvili’s detention, President Saakashvili declared no one will infringe upon freedom of speech as long as he is head of state. He also appealed journalists to be more critical and for new papers and TV companies to be opened in Georgia.

### **CHANNEL 202: SYSTEMIC ATTACK OR A MERE CRIMINAL?**

One of the most famous attacks on journalists occurred on September 6, 2005. Irakli Kakabadze, the host of “Debates”, was attacked in the night, seriously injured in the head. The incident spurred politicians and the public: the opposition condemned the violation of free speech and so did other representatives. According to *Akhali Taoba* (September 8, 2005), Republican Party members David Usupashvili, Levan Berdzenishvili, and Conservative Party members Zviad Dzidziguri, Kakha Kukava and right wing members David Gamrekelidze and Pikria Chikhradze, all made identical statements on the fact of Irakli Kakabadze’s beating.

Zviad Dzidziguri of the Conservative Party thinks that it was the governments’ revenge. *“I make such conclusions by considering Valeri Gelashvili’s beating. MP Gelashvili was attacked for having criticized the president. Now Irakli Kakabadze hosts the “Debates” and the government is not willing to hear them,”* Dzidziguri declares.

Leader of Public Forum Akaki Asatiani made similar statements, while the Labor Party argued: *“Fighting freedom of opinion escalates day by day. The government tries to silence the journalists, poets, public figures and the whole society.”*<sup>27</sup>

The Ombudsman Sozar Subari is also concerned. Lately, he declares, attacks on journalists became a trend and serious reason for concern.

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<sup>27</sup> *Akhali Taoba*, September 8, 2005

Nana Kakabadze, chairperson of the NGO Former Political Prisoners for Human Rights, condemned the attack as a direct political revenge by government.<sup>28</sup>

In the same newspaper journalist Inga Grigolia interprets the attack of Kakabadze as an attempt to stifle free opinion: *“There are too many coincidences. Campaigns against journalists allow me conclude that the government began an open terror campaign against journalists and ...Irakli managed to gain public respect and create highly rated program in shortest possible time and to become a serious TV figure in Georgian broadcasting. It is obvious that the attack against him was not done by a mere criminal,”* she reasoned.

Poet Rati Amaglobeli agreed: the government was assaulting free speech with violence and terror.

All the while, Kakabadze refrained from making political assessments to the fact. On September 19.2005, however, he was interviewed in *Akhali Taoba*: *“I though that it was just a criminal, but the way police and the prosecution behaved against me afterwards was an attempt to discredit me and free media in general.. Why was Nodar Ladaria of 24 saati robbed? Because he is a honest person and criticizes the government. Why was Berdzenishvili robbed, deprived of his computer in which he kept all his documents?! Why are other journalists beaten? Why do all these incidents occur? Are these just coincidences or something more?”* –asks Irakli Kakabadze

## **TERROR IN THE REGIONS**

*Resonance* writes on the beating of local journalists. As it describes, Nana Kakhniashvili and cameramen Demna Shevardenidze of a local TV company were attacked with spades in the village Khviti. The victims filed a complaint with the prosecutors' office and asked for investigation, but six investigators have been changed in the case and none of them questioned victims.

In Khviti, journalists were going to write on a harvest dispute between residents and the lessee Nodar Maisuradze, but some settlers grew irritated and intimidated the journalists.

## **TARGETED AGAIN: IRAKLI IMNAISHVILI**

The third presidential envoy resigned from the position in post revolutionary Imereti for beating journalist Irakli Imnaishvili. *24 saati* (December 3.2005)

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<sup>28</sup> *Akhali Taoba*, September 8.2005

describes an incident between Bobokhidze and Imnaishvili on December 1st in Kutaisi. The program on freedom of opinion and expression broadcasts on Rioni TV escalated to a vigorous debate. Bobokhidze accused Imnaishvili of being impolite in criticizing the government. In turn, Imnaishvili said Bobokhidze had impolite persons in his party and family. Bobokhidze then threatened him, and after the program ended, attacked the journalist with punches. Imnaishvili required long-term medical treatment. The presidential envoy also abused Natia Abramia, a journalist who accompanied Imnaishvili. Following the incident, Bobokhidze resigned.

Yet the Chairperson of the Parliament Nino Burjanadze tried to justify the envoy's action: *"I regret that Mr. Bobokhidze could not avoid the provocation. It is very difficult for a man when somebody insults his family."* Nino Burjanadze was shocked by Imnaishvili's behavior. She said thought it was uncharacteristic of Imnaishvili to use such language. High officials, she says, should be more tolerant, though journalists should be more 'ethical.'

*"In democratic states, people are governors – not the bureaucracy we hired to fulfill our social needs. Therefore, the duty of all politicians and public officials is to listen to public opinion about the government and be grateful,"* writes Poet Irakli Kakabadze in Resonance (December 5.2005). He considers it an attack on freedom of speech and supports Imnaishvili and Abramia.

*24 Saati* (December 6.2005) publishes comment of the president Saakashvili. He supports Bobokhidze and publicly declares that he is a honest person: *"Bobokhidze made a right decision to resign after the incident."*

### **PUNISHING "GOSSIP"**

For the mass media, the attack on Republican Party MP Valeri Gelashvili was one of the most serious incidents. On June 24.2005 approximately 10 armed persons stopped Gelashvili's car near Tetri Sakhli restaurant. They dragged him off the car and beat him severely. They broke his jaws and injured his eyes – enough to require surgery.

Representatives of opposition parties, NGO representatives, and members of the governing party expressed concern about the incident. However, unlike the governing party, the opposition said Gelashvili was punished for discussing the private life of president Saakashvili an article in *Resonance*.

*"Gelashvili's beating might have been connected to the interview, which the presidents' group considered a private insult. As far as I am aware, somebody used to call and warn Valeri Gelashvili that he would be killed unless he apologizes for the published phrases,"* says David Gamkhrelidze, leader of "Akhali Memarjveneebi," in Akhli Versia.



*Resonance* (July 17.2005) interviews representatives of the majority party, parliamentary and non parliamentary opposition and representatives of public organizations:

*“Parliamentary majority, opposition, representatives of NGOs and lawyers all declare that everyone is entitled to their opinion on all issues, including the president’s private life. No matter what kind of statements a person has made about high officials, the law does not envisage liability for such an action. Creativeness and politeness of the statements is a separate issue for discussion. The opposition concludes that since the law does not envisage liability, they decided to retaliate by such means. Opposition also opines that the majority is against only opposition but inflict verbal influence more rarely even physical pressure on the members of his own fraction,”* *Resonance*.

Labor Party member Giorgi Kukava thinks that Gelashvili’s statements were tactless, but still: *“the issue should be considered from other points of view. Naturally, nobody can interfere in someone’s private life but the same society can be interested in the life of its president,”* he said.

As Gugava argues, pressure on MP Elene Tevdoradze is an example of ‘internal’ pressure: *“Tevdoradze is often blamed for statements about human rights’ violations. Obviously they cannot inflict physical pressure on a woman, though they managed to do it by verbal means.”*

MP Elene Tevdoradze agrees: *“I approve of their influence on me. I also do not like statements of my fraction and always speak about this openly. I often hear critical statements and remarks directed towards me. Giga Bokeria does it more frequently.”*<sup>29</sup>

Levan Ramishvili of the Liberty Institute says even though Gelashvili’s statements were tactless and impolite, legislation allows MPs to publicly express his opinion. Kakha Kukava of the Conservative Party agrees: *“that the Chairman of the parliament Nino Burjanadze and members of her group refrain from expressing their position speaks to the existence of pressure.”*

Tina Khidasheli of the Georgian Young Lawyers’ Association and City Hall member Sevdia Ugrekhelidze also present their view. Khidasheli states that everybody is entitled to discuss the president’s private life. *“In any civilized and democratic country, people want to know everything about those people who govern their state, so there is nothing strange about being interested in the president’s life... It depend on the specific person, and which language he prefers to use...”*<sup>30</sup>

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<sup>29</sup> *Resonance* , 2005.July 17.

<sup>30</sup> *Resonance*, July 17.2005

In the same newspaper, Ugrekhelidze states that international norms are such that officials shall be more tolerant than ordinary citizens; therefore if the president files a complaint to the European Court of Human Rights against Gelashvili, he will not be awarded for the damages.

Giga Bokeria, Givi Targamdze and Mikheil Machavariani of the Parliamentary majority deny such statements. Targamdze says criticizing the president's privacy is not characteristic of a Georgian man. He thinks, that Gelashvili deviated from the human and moral norms. Targamdze, however, confesses that the law does not envisage liability for such action against Gelashvili.<sup>31</sup>

Mikheil Machavariani, vice-speaker of parliament, opines that political issues are not discussed in public anymore. He calls upon his colleagues not politicize Gelashvili's beating.<sup>32</sup>

Giga Bokeria, deputy chairman of the parliamentary majority, confesses that there is reason for doubting that Gelashvili was beaten by government order. He declares that government is not connected to this disgraceful act.<sup>33</sup>

## RESTRICTIONS ON JOURNALISTS IN THE CHANCELLERY

In February of 2005, the public took up the issue of the Chancellery's restrictions on journalists. As *Akhali Taoba* (22.02.05) writes, Mamuka Katsitadze of the parliamentary fraction right wing opposition "Entrepreneurs" thinks that restricting the movement of journalists in the Chancellery is an attempt to impede the mass media. MP Gigi Tsereteli considers that imposed restrictions are aimed for carrying out journalistic activities in a more organized way, rather than for restricting mass media. *"It was even a bit awkward when you were waiting for respondents in a ground floor like spies. I see no tragedy in introducing of such limitations. Restriction of journalists' movement in the ground floor in no case means prohibition to take an interview from somebody. Therefore I do not wish that somebody interpreted it as restriction of freedom of movement.*

"What did the president fear: the media or his Ministries" – reads a related article in *Akhali Versia* (February 23.2005). The restrictions reminded journalists of Shevardnadze, when they were also restricted. Then, the president had to avoid critical questions; now, the president says this is the way of journalism in civilized countries. Of course, the journalists deplore the restrictions as means of filtering information. When leaving the president's

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<sup>31</sup> *Resonance*, July 17.2005

<sup>32</sup> *Akhali Taoba*, July 16.2005 # 194

<sup>33</sup> *Akhali Taoba*, July 5.2005 # 193

room, ministers answered journalists' questions. But the president opposed disseminating information not checked beforehand. Nino Loladze of *Akhali Versia* says that the president and ministers have put the print media in an very difficult situation by commenting only for TV companies.

*Akhali Taoba* (February 23.2005) also strictly criticizes the president's decision. "Currently either there is no need for freedom of opinion in Georgia or the government decided to demolish the pretending democracy by which it tried to attract clients," writes one journalist. "He thinks it is in his interest to restrict media as much as possible and explain it as "self-censorship", "objective reality", "ratings," etc. Actually, media is neither willing nor capable to oppose restrictions of freedom of opinion, which gets worse each year. We will end up with a media deprived of loud protests, concerns and opposition. It will be stripped off all the elements of which we were proud. Instead, we will have a "state inform bureau," which will disseminate dull stories to journalists for broadcast on TV. News will become so alike that at the end Saakashvili will unite all independent channels under the "National Independent TV Channel".

*Akhali Versia* (March 2-3.2005) provides that journalistic discontent increases by the day. Journalists do not enjoy waiting for the ministries, but it is the only way to bring interesting information to public that is currently blocked. Koba Bendeliani of Interpress states that the government wants to filter information, thereby slowing its publication.

## NO SUBSCRIPTIONS FOR PUBLIC AGENCIES

In *Resonance* (July 8, 2004) journalists are concerned with prohibition of subscription on press. Representatives of the "Georgian media club" applied to the Georgian and International organizations for assistance.

*"I do not invite people to the street for protests, but if there is no public support, if we do not have their freedom of speech, journalists can do nothing. Dismissing journalists from TV companies and closing newspapers may be the tragedy of certain journalists - it may also lead to an information vacuum. Nobody is entitled to say what we should watch and listen to. Society should be more active. I hope that society expresses its opinion that it needs independent media."*

Tamar Chikovani, Radio Tavisupleba

*Resonance* also writes that the government made a suspicious move. According to Giga Bokeria, it is unethical to broadcast reality, so journalists should prohibit to each other broadcasting and publishing of unfavorable information.

*Akhali Verisa* (September 14- 15.2005) said that the municipality restricted subscribing to the press. The head of the Tbilisi Mayors' office and council, Mamuka Akhvlediani, says that the agency just does not need that much press.

## **THE PROGRAM "PATROL" AND THE MINISTRY OF INTERIOR**

Now consider the program "Patrol," produced by the Ministry of Interior and aired on Rustavi 2: the government blames journalists of being unprofessional while it violates the right to privacy and the presumption of innocence – every single evening. Recording the victims and suspects, usually in awkward situations, without their prior consent, violates human dignity and honor. As well, the program spreads legal misinformation among the public. But we have no examples of this because we were denied the materials.<sup>34</sup>

"Patrol," as it turned out, was the result of a contract between the Information and Public Relations department of the Ministry of Interior and Rustavi 2 TV. According to the contract Rustavi 2 orders this information and the Public Relations department of the Ministry prepares information for the program on a daily bases. But this may have been illegal.

As the freedom of information bureau of the Ministry informed us, such cooperative activity is governed by order # 263 of July 9.2004 of the charter of the Ministry of Interior. The order, however, does not state that the Ministry could enter into such contracts. Georgian state agencies cannot receive orders. Thus, the Information and Public Relations department of the Ministry abused its power. A specific department has no such entitlement. In Georgia state agencies can not receive orders, moreover one specific structural subunit of the Ministry if not entitled to do so.

"Patrol" is not the only program that violates human rights. As we can witnessed from the Ministry website,<sup>35</sup> "The employees of the criminal police of the Ministry and city police detained members of the criminal group L.K, G.K and D.M.<sup>36</sup> on Dadiani street. The extreme criminals armed with guns pillaged and robed great sums of money. The main criminal department of Tbilisi police is investigating." Clearly, the Ministry of Interior already considers detained persons guilty and specifies the offence before a court renders its judgment.

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<sup>34</sup> We solicited files of the program "Patrol", but the freedom of information bureau of the Ministry of Interior said that the Information and Public Relations department of the Ministry of Interior is in charge of preparing and broadcasting of the program, which claims not to possess the video records (The letter#7/7- 1465 Administration of the Georgian Ministry of Interior, May 3.2005

<sup>35</sup> [www.police.ge](http://www.police.ge)

<sup>36</sup> We intentionally do not publish the whole names of the offenders.

In the internet page we frequently meet articles entitled “investigation is being implemented” or “was detained for robbery”, “killed with a threat of knife”, “plundered” and etc. It is nothing but violation of the presumption of innocence.

A month following the first broadcast of “Patrol” lawyers started to talk about violation of the presumption of innocence and of personal dignity. In *Akhali Taoba* (October 19.2004)<sup>37</sup> representative of the Georgian Young Lawyers’ Association Tsisana Kadagishvili, representatives of the Ombudsman Vakhtang Komakhidze, lawyers Soso Baratashvili and Eka Beselia and the NGO Former Prisoners for Human Rights, jointly agree that fighting crime will not turn into a show and breach human rights. According to Kadagishvili and Komakhidze, such programs should depict statistics first then show the whole case. Lawyer Eka Beselia opines: “until the case reaches the court and culpability of the convicted is justified, he is entitled to reject public recording of the case.” Nana Kakabadze says the prisoners are “fully entitled to reject photo or video camera.”

Later assessments were more critical of “Patrol”. In *Resonance* (April 6.2005) politicians (mainly of the opposition parties) accuse “Patrol” of violation of human rights.<sup>38</sup> Paata Zakareishvili says that the face of the suspect should have been covered during the program to prevent his identification. “It is violation of human rights – however, it is not new, frequent even in Shevardnadze’s period.”

Levan Ramishvili- representative of the Liberty Institute thinks that the TV program substitutes judiciary function, which is gross violation of journalistic ethics. Levan Berdzenishvili, Republican Party opines that “*It is not TV companies fault, TV will broadcast any material which has rating. It is the fault of the Ministry of Interior.*” Giorgi Mosidze, the rights wing opposition, state that “*It is government’s order broadcasted by Rustavi 2 and there is nothing strange in it.*” Elene Tevdoradze, the head of the human rights protection committee, thinks that “*When Patrol detains persons and they make statements as though the case has been sent to the prosecution and shows faces of suspects, is one the one hand gross violation of human rights and on the other pressure on the investigation.*”

Guram Donadze, the head of the Information and Public Relations Department of the Ministry of Interior, comments on the article. When people others will be attacked unexpectedly, he believes, they will not declare that “Patrol” violates his rights. The fact that an offender who is dangerous to the public

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<sup>37</sup> *Akhali Taoba*, October 19.2004, # 289,pg.7

<sup>38</sup> *Resonance*, April 6.2005, Wednesday, pg.6

is presented publicly...is not a violation of human rights. There is no technical problem, however, to cover the face of the suspect.”

*Akhali Taoba* (May 4.2005) publishes an article – “the suspect may not be broadcast by TV” – about how president Giorgi Leonidze of a human rights NGO stated that broadcasting detained people on TV is violation of human rights and that only the judiciary should determine fault.

The patrol is little printed in the media. Journalists who dare to oppose Guram Donadze, program author and head of the Information and Public Relations department, will draw his anger and problems from the Ministry of Interior. For example, *Akhali Taoba*<sup>39</sup> (September 26.2006) and *Akhali Versia*<sup>40</sup> cover the strained relations between Donadze and Mamaladze of Rustavi 2 TV. Mamaladze declared that controversy sparked after he started writing about criminal topics and Donadze blocked those topics relating to the Ministry of Interior. “When I entered the room Donadze raised, took his gun, put it on my forehead and asked how I dared to visit him. Moreover, he prohibited me to work on criminal issues any more,” Mamaladze recalled.

“Ten days after, Irakli Mamaladze was discharged. The journalist thinks that he was dismissed because he was on a list of drug addicts that came from the Ministry of Interior,” *Akhali Versia* recalls. and adds that the head of information and public relations department thinks he will not comment on the fact since he does not know Irakli Mamaladze at all.”

## CONCLUSION

As the foregoing illustrates, there are substantial violations of human rights in Georgia. Perhaps that is why Freedom House in 2004 ranked Georgia 114<sup>th</sup> out of 194 states for its respect towards human rights, and 116<sup>th</sup> in 2005, in line with Paraguay, Sri-Lanka and the Democratic Republic of Congo.<sup>41</sup>

The research should clarify why the freedom of opinion and expression has been so quickly suppressed in Georgia. As Vakhtang Khmaladze states in *Akhali Taoba*: **“If we pay attention to the most powerful tool in the hands of Shevardnadze’s opposition, having altered the state, the most influential tool is the mass media. To avoid repeating this, maximal control should be exerted on the media. This is why the government tries to control the media. They don’t do it**

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<sup>39</sup> *Akhali Taoba*, September 26.2005, # 266

<sup>40</sup> *Akhali Verisa*, September 26-27, # 382, pg.3-4

<sup>41</sup> *Resonance*, October 22.2005 # 283

***overtly because people would consider it a violation of democratic principles. Everything is done by covert methods, but any sane person can suspect it.***<sup>42</sup>

### **THE GEORGIAN PUBLIC BROADCASTER: NEW OR OLD?**

The attractiveness of the public broadcaster is that it should be free from commercial or political pressure. As the Committee of Ministers of the Council of Europe emphasizes in its recommendation<sup>43</sup>, the public broadcaster should guarantee pluralism in expression. It should be accessible to everybody on a regional and central level and it should broadcast programs on education, culture and advertisement.

After becoming a party to the Council of Europe, Georgia pledged to amend legislation and create a “public broadcaster free from the political and commercial influence that is consistent with the public interests ... in order to submit to the public diverse programs.”

Legislative amendments should have been enacted immediately. For example, to ensure the independence of the public broadcaster from commercial influence, it should have guaranteed and independent budget. The budget of the public broadcaster may consist of fees, taxes and other inputs prescribed and/or allowed by law. In Georgia any natural person who received salary which is subject to income tax is considered as tax payer. Unfortunately, the most topical issue was solved not for the best version, however, one can still think about financial independence. It must be still specified that Broadcaster’s financial independence guaranteed by the main provisions of the law were doubted by the transitional provision afterwards.

In his 2004 annual report, the public defender spoke favorably of the new law on public broadcaster. “Guarantees of freedom of speech are vitally important in the broadcasting sphere. Adopting the new law on broadcasting is especially noteworthy. Law adopted at the end of 2004 aims to promote a public broadcaster free from political and commercial pressure, with powerful financial guarantees to that end. Media free from political bias and influence, accountable to the public, is critical for ensuring media pluralism and protection of minority interests.

The Georgian law on broadcasting emphasizes transparency, healthy competition among broadcasters, respect for equality and independence principles, and guarantees the effective use of broadcasting frequencies.

<sup>42</sup> *Akhali Taoba*, September 10.2005

<sup>43</sup> Recommendation R(96)10 September 11.1996 of the Committee of Ministers of the European Council.

The law also calls for the establishment of an independent regulatory body, including its functions, principles and independence.”<sup>44</sup>

We agree with the public defenders’ report: “By creating the Law on Broadcasting, the state expressed the desire to come into compliance with the standards of the European Council, achievable only by genuine independence in the process and the public broadcaster itself.”

### HOW THE STORY BEGAN...

In 2003 the draft on broadcasting became the topic of public dispute. It regulated the Georgian media sphere in a new way.

Essentially, the law on broadcasting established a public broadcaster. It should have called for the dissolution of the legal entity of public law, the Georgian TV and Radio Broadcaster, but instead called for its reorganization – into a public broadcaster.

Large debt was probably the main reason for establishing a public broadcaster by reorganization. Dissolving the existing entity would have made establishing a public broadcaster more difficult.

Before adopting the law on March 22.2004, the president established a temporary monitoring commission to “elaborate recommendations for transferring the Georgian TV and Radio Broadcaster into an independent public broadcaster.”<sup>45</sup> To execute the presidential order, on March 23.2005, the head of the TV and Radio Broadcaster issued the order to reorganize the TV and Radio broadcaster of Georgia: **“Reorganization must be carried out in Georgian TV and Radio Broadcaster pursuant to the Georgian Labor Code for management development and implementation of institutional functional reforms. Human resource department and heads of structural sub units must inform employees according to the principles established by labor legislation on possible alterations of labor relationships.”**

In a 2004 report by the Georgian Young Lawyers’ Association, we specified that the management of the TV and Radio Broadcaster had fulfilled none of the recommendations of monitoring commission.<sup>46</sup> As a result, the process of reorganization violated the rights of hundreds of employees. To change labor conditions, all employees had to sign on to a month-long labor contract only to be dismissed soon after.

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<sup>44</sup> Annual report of the Ombudsman for 2004

<sup>45</sup> Presidential order of March 22.2004 on implementing of activities for regulation of broadcasting

<sup>46</sup> See the Georgian Government under the Sunshine, reform in TV and Radio broadcaster Myth of Reality? pg.18 The Georgian Young Lawyers’ Association. 2005



Meanwhile, this wave of dismissals drew wide media attention. *24 saati* (July 20.2005) published an article by Tamar Dvali (“Young Lawyers discovered violations in the public broadcaster”) on the arbitrary dismissals, and *Akhali Taoba* published Natia Mskhiladze on how “Zaza Shanglia should be held liable”.

This wave of dismissals came before the law on the TV and Radio Broadcaster. It was only the beginning of the story. Indeed, when the management decided to seek out TV programs for the public broadcaster by two stage tenders the monitoring commission and the management of the Georgian TV and Radio Broadcaster clashed in conflict.

Writing in “Resonance”(December 17.2004), Tamta Karchava argued that Zaza Shengelia did not in fact dismiss Koka Khandiashvili from the First Channel. The head of the broadcaster writes that “after the painful and exhaustive reform, First Channel will submit to the audience very modest programs. The main attention would be paid on information programs and programs prepared by individuals.” Koka Khandiashvili’s program “WE” was one of the winners. As Koka Khandiashvili commended himself: “ordinary persons, together with prominent ones, will participate in the program.” His comment in *Akhali Taoba*<sup>47</sup> emphasized that his new program is not a political one.

In *Akhali Taoba* (December 2.2004) Shorena Kikorishvili wrote about evaluations of the monitoring commission in regard to the new program. In the article “Koka Khandiashvili’s work in public broadcaster is an offence”, David Paichadze of the commission states: “*The Television must get rid of journalists who have abused their reputation by carrying out such journalistic activities. Their reputation is doubtful. We mean Koka Khaniashvili, who works on the first channel at present. I think that his working on the first channel is an offence. It is the opinion of our commission.*”

This was the first public statement of the monitoring commission on the reorganization of the TV and Radio Broadcaster. It demonstrates how effective is the monitoring commission.

Newspaper *24 saati* paid attention on the issue with an article “winner in a defeated TV.”

During the procurement of radio-programs in 2004, funds were misappropriated and acquisitions were made under the guise of reorganization. The Georgian Young Lawyer’s Association specified the issue in summer 2005.<sup>48</sup>

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<sup>47</sup> *Akhali Taoba*, December 22.2004. “I am afraid that somebody will block the program.”

<sup>48</sup> See the Georgian Government under the Sunshine, reform in TV and Radio broadcaster Myth of Reality? pg.18 The Georgian Young Lawyers’ Association. 2005

## FORMING THE MANAGEMENT

How to form the broadcaster's coordination agency was one of the biggest issues during the drafting process. The law itself may be sound, but if people are not appointed to the governing body in a transparent and objective way, the endeavor may appear illegitimate. To create an independent public broadcaster, the law specified how to select members of the supervisory board. The president must submit to parliament at least two candidates for one vacancy. But the parliament must select the most prominent nine members.

Soon, however, the selection process became discriminatory and problematic.

Consider the reaction of the press. In the newspaper *24 saati*, Sopho Bukia informed the public on publishing the NGO list of candidates. David Paichadze mentioned: *"if candidates are selected from the members of the submitted list, it is certain that they will change the management of the First Channel.. For the general director of the broadcaster, they will choose someone capable of establishing a real public broadcaster."*

An article by Rusiko Machaidze in "Resonance" (March 5.2005) was skeptical about the NGO-specified candidates.<sup>49</sup> He suggested that the information was published only in *Sakartvelos Respublica*, and that this was a sloppy and opaque approach. The same paper stated how NGOs demanded that the government to make a public statement but in vain: *"It means that government wants to maintain such a broadcaster, as we have today"*. Doubts seemed reasonable and on April 22<sup>nd</sup> *Akhali Taoba* published Irakli Gogorishvili's article about how the election of the members of the supervisory board was a scandal. The newspaper published the list of 18 candidates selected by the president and submitted them to the parliament. *"Before discussing the candidates in parliament, it was known beforehand that there was a separate list of nine persons who should have been approved by the majority. Supposedly there was a directive from the executive power to select those nine members only."* From such corruptions in the selection process, *"we may conclude that the parliamentary session was a mere formality."*<sup>50</sup>

## STENOGRAPHIC RECORDS

Parliamentary debates about the selection of the members for the supervisory council are also worth noting. The session began on April 22.2005 with biographical records of the candidates. But MPs were more interested in talking amongst themselves than learning about the candidates.

<sup>49</sup> Newspaper *24 saati*, March 5, 2005 "The first of the supervisory board of the public broadcaster"

<sup>50</sup> Newspaper *24 saati*, December 3.2004, March 5 & 17, April 15, June 24;

Repeatedly, the chairperson of the parliament said to the MPs: *“I ask for silence, attention dear colleagues, please take your seats,”* *“Please keep silent and do not talk with one another,”* *“At least talk only with that person sitting next to you...”* – requests made again and again.

As for disseminating the list of nine members in stenographic records, MP Pikria Chikhradze stated: *“You have invited 18 persons and disseminated their biographic records while the list of 9 persons were handed beforehand. It is a disgrace. For those people not on the list but still submitted to the parliament, I ask: who wants to participate in a farce that makes claims about the public interests and an independent broadcaster?”* MP Manana Nachkhebia also supported the statement and read the list of those nine persons. The Chairperson of the parliament, however, rejected it. Later on, David Gamkhrelidze read the list for the sake of public awareness.

On April 22, the parliament finally elected only 6 members of the council, with the remaining three elected weeks later.<sup>51</sup>

### **ANOTHER FARCE: ELECTING THE DIRECTOR GENERAL**

Election of the general director of the public broadcaster was also a topical issue. According to the law, the **“Supervisory board appoints the general director by the open competition for six years term. The general director may be elected for the second term without an open competition.”** To ensue the independence of the general director, an amendment was introduced to law on May 20.2005: according to the request of the one third of the supervisory council it was possible to initiate pre-term dismissing of the general director, but two third of the members of council are needed to accept the decision.

Guaranteeing the independence of the Director General is tantamount to the President’s guarantees of independence, since it is still difficult to gather two third of votes in a council with nine members, regardless of its composition.

On July 22.2005 members of the supervisory council, including Tamar Kintsurashvili (then the acting deputy head) had an interview with the 4 best members. But the selection of a successor

seemed complicated enough to require a second competition. Levan Tarkhnishvili, the head of the supervisory board, explained: *“I do not see such a person who can come to the broadcaster and take all responsibility; therefore, presumably, the supervisory board and the general director who will be elected on the second competition will have the close links.”*<sup>52</sup>

<sup>51</sup> Stenographic record of the Parliamentary session of April 22.2005 on the elections of the supervisory board of public broadcaster.

<sup>52</sup> The newspaper “Akhali Taoba”, July 24-30.2005. Sopho Chikhladze. “Zaza Shengelia still chairs the public broadcaster.”

In the next competition, one of the members of the supervisory board, Tamar Kintsirasjvili, decided to compete for the position of director general. However, she applied to resign from the membership of the supervisory board as late as August 12.2005, even though the deadline was August 6. Nonetheless, the president satisfied Kintsirasjvili's application on August 17 and on August 19 she became the new Director General.

Statements that Director General Kintsurashvili did not violate any articles of the law, including provisions on the conflict of interest, are ludicrous. Technically, this is true. But the guarantee of impartiality and objectiveness of any competition commission means that members of the commission or their family members cannot participate in the competition. Moreover, if members of the selection commission decide to compete, then other candidates are given unequal consideration. If anything Kintsurashvili know more about what the supervisory council was looking for in a successful candidate.

In an August 20.2005 Elza Tsiklauri publishes article in *Resonance* entitled *Lia Mukhashavria is going to appeal the case in Strasbourg*. Lia Mukhashavria, a member of the competition, is quoted as saying: *"It is not important whether I will find justice in Georgia. Strasbourg is not so far away. Therefore it is not a serious issue. They will not have transformed the broadcaster if the European Council objected. The European Council requested that it was an independent broadcaster lead by an independent person, not a follower of government ideology."* Another article in *Resonance* (August 21.2005) was also critical: *"Participants of the competition claim that the selection of the head of the broadcaster was a farce. They intend to file complaints to the courts after publicizing unfavorable results. They doubted the impartiality and independence of the selection process, since the member of the supervisory council participated in the competition."* David Usupashvili agreed, declaring: *"all steps pertaining to a public broadcaster are getting worse."*

Consider an article in *24 saati* (July 11.2005) prepared by Anna Kordzaia Samadashvili. The article is in support to Lasha Bakradze: *"It is obvious that artists are not the only persons who participated in the action. There were representatives of civil society, prominent NGO faces and simple citizens."* *If expectations of the members of the action are true, we will not hear such words from the public broadcaster any more."* How such expectations were met, society will judge better.

The process of transforming State TV into a public broadcaster is still rife with violations.

*“The post revolution public broadcaster (First Channel) was in public ownership for the history of its existence... however it was always used as a political tool of authorities during the communist era, Shevardnadze’s period and even in Saakashvili’s era.”<sup>53</sup>*

*“First Channel was called public TV long before; it considers itself public TV. But the level of professionalism of First Channel decreases day by day, while its friendly relationship with the government increases.”<sup>54</sup>*

Hopefully process in establishing a public broadcaster will be made in the long run. In the meantime, however, there is merely a ray of sun.

## **FREEDOM OF ASSEMBLY AND MANIFESTATION AFTER THE ROSE REVOLUTION**

Freedom of expression is not only independent right but also means for realization of other rights. We got interested in analysis of situation of freedom of assembly after the Rose Revolution.

In most gatherings held after the Rose Revolution, social issues dominated the agenda. One of the first and the most rumored actions, for example, were taken by street vendors. After the Mayors office prohibited them from selling near Tsereteli Avenue, they were forced to leave.

***“After Temur Mgebrishvili dispelled the street vendors with clubs, the vendors relocated near the Mayor’s office.”***

*24 ssati, January 29.2004*

“Policemen beat women with clubs; one old lady was taken to the hospital. One young woman who was so severely beaten by Mgebrishvili gave birth to a dead child,” <sup>55</sup>*24 saati* described. The head of the Didube-Chugureti district, Zurab Adamia, said: *“I do not know who called Mgebrishvili. In such a situation the police comes by itself. However if the police was not there we could not move on that territory.”*<sup>56</sup>

Eliso Chapidze of *Resonance* commented by the article *Is freedom of media restricted in Georgia?*

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<sup>53</sup> The newspaper “Resonance”, July 28.2005. Giorgi Udzilauri. “How should we remove a hump to the public broadcaster”

<sup>54</sup> The newspaper “24 saati”, June 24.2005. Ninia Kakabadze “Public broadcaster will have another chairperson in a month.”

<sup>55</sup> Newspaper “24 saati”, January 29, 2004

<sup>56</sup> Newspaper “24 saati”, January 29,2004

***“As for freedom of assembly and manifestation, the country has problems. The first glimpse of the government’s respect of publicity was how Temur Mgebrishvili and his team dispelled the street vendors, a month after the Rose Revolution. The ‘Rose government’ beat the population with the very roses they brought to the chancellery during the revolution. Most of those attacked by the police spent days before the parliament.”***

*Eliso Chapidze, Resonance, February 28.2005*

## PROTESTS WITH SOCIAL SLOGANS

When people protested in the streets against the ban on manifestation, the Government turned a deaf ear and suppressed them by force. “There was a big riot in Tbilisi this week,” wrote *Akhali Taoba*, April 3-9.2005.

- *Akhali Taoba* (March 6) describes the protests against the ban on tobacco trading in the streets. “Street vendors gathered before Parliament demanded respect for their rights.”<sup>57</sup>
- Tobacco traders then protested in Zugdidi market.<sup>58</sup>
- On March 8, nearly 200 vendors protested on the territory of agricultural market “Eleganti” in Gldani-Nadzaladevi region.
- The strike held by Eliava Market traders was large and vociferous; it elicited compromises from the government. On April 10, Zugdidi market drew more attention: “in the morning, military forces were needed, since street vendors asked to open the market gate and broke the door in protest. Military forces detained some protestors, but soon released them. “
- “They beat me and forced me in the car,” declared one protestor.<sup>59</sup>
- As the Media News informs on April 22, street vendors started to strike near the Gotsiridze underground station, trying to block Vazha-Pshavela Avenue. Police intervened to stop the action.<sup>60</sup>
- “Akhali Taoba” (August 10.2005) provided that patrol police dispelled protest action of Chiatura workers by force.

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<sup>57</sup> The newspaper “Akhali Taoba”, March 6, 2005 # 63

<sup>58</sup> Newspaper “Akhali Taoba”, March 7, 2005 # 64

<sup>59</sup> Newspaper “Akhali Taoba”, April 20, 2005 # 108

<sup>60</sup> Newspaper “Akhali Taoba”, April 22.2005 # 110

Patrol police also broke up a protest of invalids. According to *Resonance* (December 3, 2004) the invalids protested near the Parliament on Invalid's Day for more attention from the government. Maia Metonidze, an assistant to the deaf persons union, declared that the Patrol extinguished fires and destroyed camps put up by the invalids. Police forced blind people to scatter.<sup>61</sup>

### **PROTEST BY THE OMEGA GROUP**

Protests in support of the Omega Group were the most scandalous and resonant of post-revolution protests. To dispel the protests, the military used the force of fire arms. Soldiers were firing warning shots into the air.

According to the Inter-Press,<sup>62</sup> the Chairperson of the Georgian Young Lawyers' Association, Tinatin Khidasheli, declared that the firing was unacceptable and there are no regulations allowing force to be used against a human being, though warning shots are different.

Further criticism of the military's response is found in *Akhali Taoba* (February 25, 2004) in the article "No trace of democracy in Georgia."

Composer Kakha Tshabadze: "It is impossible to appreciate yesterday's facts. We all remember how there was not even a warning shot in November 2003. All Georgians are saddened by yesterday's shootings.

Writer Tamaz Vasadze: "It is unforgivable to open a fire on a peaceful population even if they are warning shots. No normal state opens fire on peaceful citizens."

Teacher Nanuli Kardava: "It doesn't matter what the people demanded. Their action was not illegal. The important thing is the reaction from the government."

Student Giorgi Asatiani: "It is prohibited to shoot unarmed people in their own house or enterprise, even if the shoots were in the air. Somebody should be held responsible."

### **PROTEST OF COLLEGE STUDENTS**

In 2005, students of Medical University College arranged the longest protest. They opposed the national entrance exams and accused the Ministry of Science and Education of violating the contract which automatically enrolled them in university after graduating from the college. The protest lasted over a month. Students began to protest by starving themselves. And some

<sup>61</sup> Newspaper "Resonance", December 3, 2004, # 331

<sup>62</sup> Newspaper "Resonance", February 23, pg2

oppositional parties, such as the Labor party, supported them.<sup>63</sup> As *Akhali Taoba* (March 9.2005) recalls, the protesters awaited a reaction from the Chairperson of the Parliament, but in vain.

The night of March 14<sup>th</sup> was the most dramatic. The police dispelled peaceful action of the students. On March 24 opposition parties invited the Ministry of Interior to investigate who issued such an order. MP Kakha Kukava recalled that when “Tbiltrans” drivers’ protest was dispelled some months ago, the Ministry of Interior and the president claimed ignorance and doubted that Temur Mgebrishvili<sup>64</sup> issued the order. Other MPs were also interested who issues the order.

### **PROTEST OF WRESTLERS**

The wrestlers’ protests on June 30.2005 were the loudest and the most impacting. Basically, after the court sentenced two wrestlers – Alexi Davitashvili and Giorgi Revazishvili – to three months of pre-trial detention, angered wrestlers began to attack the court room. They then blocked off Rustaveli Avenue. But “in order to punish the 30 persons who participated in blocking the road, Merabishvili send the same amount of patrol cars, 10 times more patrol police, gendarmerie armed with cubs and special military units. Persons with submachine guns seemed unacceptable by most of the population,” *Akhali Taoba* describes.<sup>65</sup> “In the ensuing fight, initiated by the wrestlers the Patrol Police proved the stronger. Some participants were detained. The special military unit of the Ministry of Interior also interfered...forced the protesters onto the pavement and then emptied the avenue.” –it is how *Akhali Versia* describes the events.<sup>66</sup>

NGOs had divergent opinions on the protest. Some saw the government’s response as legitimate. Others thought that law enforcement agencies abused their power in dispelling the crowd and were only interested in demonstrating their power.

GYLA members condemned the response of the police force and patrol police. As *24 saati*<sup>67</sup> recalled, the members opposed pressing criminal charges against those detained on Rustaveli Avenue.

Another important issue stressed by the Georgia Young Lawyers’ Association was the involvement of unofficial persons. Protestors were entitled to disobey

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<sup>63</sup> Newspaper “Akhali Taoba”, March 9.2005 # 66

<sup>64</sup> Newspaper “Akhali Taoba”, March 26,2005, # 73

<sup>65</sup> Newspaper “Akhali Taoba” July 3-9,2005 # 181

<sup>66</sup> Newspaper “Akhali Versia”, July1-2, 2005, # 345

<sup>67</sup> Newspaper “24 saati”, July 2, 2005 # 148



those not dressed in uniform, according to GYLA Chairperson Ana Dolidze, who cannot prove to represent the Ministry of Interior. As well, Dolidze disagreed that the government needed to use force, which she said violated legislation and human rights standards, *Akhali Taoba* stated.<sup>68</sup>

“Yesterday politicians and experts gathered in Liberty Institute assessed the events on Rustaveli Avenue “ *Akhali Versia* <sup>69</sup> describes, politicians accused the opposition of making the situation worse. Levan Ramishvili, Gia Nodia and David Darchiashvili saw certain parties benefiting from the events. Liane Khaindrava claimed a right to peaceful protest and a responsibility for a peaceful government response. David Gamkhrelidze thought the government was trying to threaten dissenting voices. And Levan Berdzenishvili said that politicians came to Rustaveli only after law enforcement agencies used force against protestors.

Koba Davitashvili called Georgians to assemble in Vera Garden, where several political parties showed up.<sup>70</sup>

Journalists also denounced the beating of journalists. On June 30<sup>th</sup>, members of the media club held a press conference on the battery of Irakli Gedenadze and Zviad Nikoleishvili, photo journalists of *Alia* newspaper and Interpress News by the patrol police and special military unit. As well, they mentioned how the patrol police assaulted Nato Makhviladze, a journalist of Mze TV, and how policy tried to seize the camera of photojournalist Gia Abdaladze. In the end, he had to delete all of his photos.<sup>71</sup>

Of course, government representatives were satisfied with how the Ministry of Interior handled the protests. So was the president, who praised their professionalism in restoring order.

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<sup>68</sup> Newspaper “Akhali Taoba”, July 2, 2005 # 180

<sup>69</sup> Newspaper “Akhali Taoba”, July 2. 2005 # 180

<sup>70</sup> Newspaper “Akhali Taoba”, July 2.2005 # 180

<sup>71</sup> Newspaper “Akhali Taoba”, July 2.2005 # 180

