

6 IMPORTANT MEDIA CASES IN 2015

6.1. COVERT SURVEILLANCE AND BLACKMAILING

In 2015 statements were made on two cases of covert surveillance and three blackmailing of representatives of media. Two of them were related to Rustavi 2 when the TV company was actively engaged in the court dispute on the ownership issue, while the third case was related to the anchor of a Public Broadcaster's political talk show, who married one of the leaders of the opposition party Free Democrats.

Probable recruiting attempt of a Rustavi 2 employee by the State Security Service

On 8 December 2015, Rustavi 2 reported¹ about the attempt of the State Security Service (SSS) to recruit Kakha Kublashvili, the driver of TV company's financial director.

According to the TV company, SSS officers stopped Kakha Kublashvili and invited him into their Toyota Camry. The officers in plain clothes introduced themselves as SSS servicemen. The conversation continued for two hours and, according to Kublashvili, was aimed at recruiting him in exchange for financial benefits. It also appeared that the financial director was under surveillance too.

According to the Ministry of Internal Affairs, after the interview with Kakha Kublashvili the investigation was not initiated because of lack of elements of crime.

Statement by Nika Gvaramia regarding the government's attempt to blackmail him by publishing secret recordings

On 21 October 2015 Director General of Rustavi 2 Nika Gvaramia made a special statement² about threats and a blackmail attempt from the government. According to Nika Gvaramia, the government sent an intermediary, the chairman of the organizational committee of the European youth Olympic festival in

¹ <http://www.tabula.ge/ge/story/102650-sus-i-rustavi-2-is-tanamshromlis-gadabirebas-cdilobda>

² <http://rustavi2.com/ka/news/29585>

Georgia Aleksí Akhvlediani, to convey the following message: Gvaramia should better move away from the developments concerning the contested ownership of Rustavi 2 or risk secret recordings of his private life as well as phone conversations with Mikheil Saakashvili, possessed by the government, being made public; he was also advised not to forget that he has family members.

The Prosecutor's Office launched the investigation into this statement on the same day. On 29 October 2015, a week after the statement by the Director General of Rustavi 2, a Ukrainian website published recordings of conversations between Nika Gvaramia and Mikheil Saakashvili, as well as between Giga Bokeria and Mikheil Saakashvili. On the basis of these recordings the State Security Service of Georgia launched investigation into the conspiracy to overthrow government. The Prosecutor's Office never clarified the legality of these recordings.

The statement by the anchor of Public Broadcaster's political talk show about covert surveillance

On 8 September 2015, the anchor of the Public Broadcaster's political talk show First Studio, Eka Mishveladze, said during Rustavi 2 TV program Archevani³, that she and her spouse – one of the leaders of the opposition party Free Democrats Aleksí Petriashvili – were under surveillance.

“The special services knew about my marriage with Aleksí Petriashvili well before the Public Broadcaster [Director General's] advisor learned about it”, – said Eka Mishveladze on Rustavi 2 talk show Archevani.

On 9 September the “This concerns you – they still listen to us” campaign called on the law enforcement agencies⁴ to launch investigation into Eka Mishveladze's statement.

6.2. THREATS

Three cases of intimidation were connected with the journalistic activities. In one case the threat came from a representative of organized crime in connection with the investigative material aired by Rustavi 2; in another case it was related to a cartoon published by Azeri-language website renessans.ge, which was taken as an insult to religious sentiments; in the third case it was related to critical question by a Maestro journalist to the Prime Minister.

The threat against journalist Eka Kvestadze

On 24 February 2015, Rustavi 2 journalist Eka Kvestadze declared that she received a call from the so called thief in law Mindia Goradze, nicknamed Lavas-Oghli, threatening her because of her re-

³ <http://netgazeti.ge/news/43875/>

⁴ <http://www.transparency.ge/post/general-announcement/es-shen-gekheba-isev-eka-mishveladzis-gantskhadebaze-reagirebas-itkhovs>

port. Eka Kvesitadze published the telephone number (+372 816 520 97), from which Mindia Goradze called her.

The special issue of Different Accents TV program⁵ was dedicated to the backing of the thieves in law by the Georgian government. Mindia Goradze was mentioned in this context in the program.

According to the information from 25 February, criminal investigation was launched on the basis of Article 151 (threats), and was conducted by the Criminal Leaders Section of the Organized Crime Main Division of the MIA. According to Kvesitadze, this investigation did not bring any specific results.

Threats to the Azeri-language website *Renessans* journalists

On 23 June Kvemo Kartli Information Center published the information⁶ that Azeri-language website *renessans.ge* received death threats after the publication of cartoon.

According to the information, the threats came from the chairman of Marneuli Imam Ali Charity Foundation Javid Gurbanov, who sent the following message to journalists Aida Tagieva, Aidan Yusibova and editor Nugzar Japarov: „If you do not delete this cartoon, if you continue these insults, I swear by Allah that your blood will be spilled. I swear by God in whom you do not believe that I will take off your heads with my own hands. I am sure, your blood is more precious than the ink of your pen“.

According to *renessans.ge* journalist Aida Tagieva, they published the cartoon depicting a cage broken by journalists who went out of it with books in their hands. According to her, the cartoon was taken by some people as depicting the mosque, which became the reason of the threat.

Renessans.ge journalists provided the media and law enforcement agencies with the letters they had received confirming the threats. The journalists addressed the police in June 2015. Isani-Samgori police division started to study the case. However, according to Aida Tagieva, this has not brought any result yet.

The threat to Maestro journalist Irakli Vachiberadze

According to Maestro TV reporter Irakli Vachiberadze, he was bullied by the head of Guria Regional Main Division of MIA Koba Tsertsvadze because of his question to Prime Minister Irakli Garibashvili.

The journalist asked the question about the arrest of the National Movement members, David Mzhanadze and Ilia Malazonia, and a member of organization Free Zone, Beso Katamadze, during Garib-

⁵ <http://rustavi2.com/ka/video/74?v=2>

⁶ <http://ick.ge/articles/22461-i.html>

ashvili's visit to Ozurgeti on 15 September 2015. These individuals hang a poster saying "Liar Government" on one of the town's apartment blocks. As soon as they did this, they were arrested. They were charged on the basis of Article 150, Part 2 of the Administrative Offences Code, which concerns making various types of inscriptions, drawings or symbols on building facades, shop windows, fences, columns, trees without authorization, also putting up placards, slogans, banners at places not allocated for this purpose.

The Ministry of Internal Affairs made a statement regarding this incident, expressing the readiness of the ministry's general inspection to start investigation into the journalist's statement and in the case a legal violation is established, to react to it appropriately.

6.3. INTERFERENCE IN PROFESSIONAL ACTIVITIES OF JOURNALISTS

Out of three cases of interference in professional activities of journalists, only one, in which the opposition party members and their supporters were involved, was reacted to. In two other cases, in which government representatives were involved, results of investigation are unknown to the public.

IPN photo correspondent was physically and verbally attacked

On 4 March 2015, during the rally on the Rose Revolution Square, organized by three political parties – Reformers, Free Georgia and Christian-Democratic Movement – a photo correspondent of Interpress-news (IPN) agency, Irakli Gedenidze, was physically and verbally attacked. Irakli Gedenidze was injured and hospitalized as a result of the beating. His camera was also damaged.

According to Irakli Gedenidze, a person who came out of a car demanded from him to delete the materials he had taken. Gedenidze refused and explained that he was a journalist and was performing his professional activities. After that Gedenidze was physically assaulted.

Several hours after the incident police arrested Ivane Begiashvili for interference in professional activity of journalist and damage or destruction of an item (Part2, Article 154 and Part 1, Article 188, Criminal Code of Georgia).

As a result of this incident, Free Georgia party expelled Giorgi Begiashvili, who, according to the chairman of the party Kakha Kukava, did not stop his son Ivane Begiashvili in time and only took part in the verbal confrontation⁷.

⁷ <http://netgazeti.ge/news/39120/>

Interference in professional activities of Adjara Public Broadcaster journalist

According to Adjara Public Broadcaster⁸, on 1 September 2015 there was an incident between the news crew and employees of Adjara Ministry of Agriculture.

According to the editors, reporter Lasha Veliadze was verbally insulted in the yard of Keda Municipality winery while he was arranging an interview with the chief specialist of Information-Consultation Department of Adjara Ministry of Agriculture Karlo Kekelidze. They were approached by an employee of Adjara Ministry of Agriculture Mirza Suknishvili who insulted the journalist. During the incident the journalist was also physically attacked. Deputy Ministers of Agriculture of Adjara Rostom Shervashidze and Avtandil Meskhidze were present during the incident.

Mirza Suknishvili claimed that journalist was drunk. This was denied by the Broadcaster's news service head Shorena Ghlonti who said that after the incident the journalist and cameraman were checked for alcohol in the Expertise Bureau and none of them tested positive. The TV channel requested investigation of the incident. The Chairman of the Government of Adjara ordered to suspend powers of Deputy Minister of Agriculture Avtandil Meskhidze until the report of the disciplinary commission had been drawn up.

According to the MIA, the investigation into Lasha Veliadze case was terminated as no elements of crime were found.

According to Transparency International Georgia, „This is not the first case when representatives of the Ministry of Agriculture of Adjara behave with the journalists inappropriately and in contradiction with the law. In December 2013 TV 25 journalist Sulchan Meskhidze accused Deputy Minister Avtandil Meskhidze of making threats against him. TV reports on this issue did not result in any response either from the ministry or from any law enforcement agency.”

Interference in professional activity of Rustavi 2 reporter by a state employee of Lanchkhuti Municipality

On 21 October 2015 Rustavi 2 TV issued the footage⁹, depicting the employee of technical service agency of Lanchkhuti Municipality Nugzar Tsintsadze preventing the regional reporter of Rustavi 2 Lado Menabde from filming in the public space and insulting him. Tsintsadze called the journalist “people’s enemy” and “sectarian”, with further verbal abuse. Tsintsadze, who was at the rally against the opposition National Movement, told Rustavi 2 journalist that he was prohibited from working in Lanchkhuti and that Rustavi 2 was biased.

⁸ Adjara Public Broadcaster, 2 September 2015, <http://ajaratv.ge/acharis-televiziam-prokuraturas-mimarta>

⁹ <http://www.myvideo.ge/v/2667507>

This is not the first case of Lado Menabde being hindered while conducting his professional activities. In the past he had already turned to police and prosecutors a number of times.

One year ago Nugzar Tsintsadze verbally abused Lado Menabde and Rustavi 2 cameraman. According to the TV channel's footage,¹⁰ on 8 December 2014 Tsintsadze, who was a Georgian Dream activist at the time, was not allowing the cameraman to do his job. He was threatening both the journalist and cameraman with physical assault if they came to Lanchkhuti again. The incident occurred after a football game between "Sioni" Bolnisi and "Guria" Lanchkhuti.

According to Lado Menabde, investigation was stopped shortly. Several months ago he testified to the law enforcers, but no results of investigation are known to him.

The MDF requested information on this incident from the Lanchkhuti regional office of MIA. In the response letter MIA regional office informed us that the criminal investigation had been launched not regarding the illegal interference into professional activity of journalist, but for damaging the door of the National Movement's office, on the basis of Part 1, Article 187 of the Criminal Code. According to Deputy Head of Lanchkhuti District Division of MIA Levan Chkhaidze there is no criminal investigation against any particular person regarding this case.

Information Centers Network made a statement regarding the incident on 28 October 2015,¹¹ and called on the MIA and the Prosecutor's Office to provide adequate response to the incident.

6.4. UNLAWFUL DETENTION

All three cases of unlawful detention were against the employees of media outlet critical of the government – Tabula TV. Two cases of these were not directly related to the journalists' professional activities and concerned the detainees' civil protest and freedom of expression in critique of the government on certain issues (Gazprom and "Stop Russia"). In the third case, Tabula's photographer was engaged in his professional activities during the rally against Panorama Tbilisi project, connected to the former Prime Minister Bidzina Ivanishvili.

Detention of Tabula photographer Alexander Giorgadze

On 19 July Tabula website photographer Alexander Giorgadze was arrested for alleged petty hooliganism and resistance to the police at the rally against Panorama Tbilisi.

¹⁰ <http://news.ge/ge/news/story/115766-qartuli-otsnebis-aqtivistma-nugzar-tsintsadzem-rustavi-2-is-zhurnalists-da-operators-sheuratskhyofa-miayena>

¹¹ <http://www.ick.ge/rubrics/society/24306-i.html>

According to the MIA, ten individuals were arrested during the rally against Panorama Tbilisi, near the Chancellery. Other 9 individuals were arrested for petty hooliganism. One of them was also accused on the basis of Article 45 – illegal use of small amount of drugs without doctor’s prescription.

Alexander Giorgadze was also arrested on 19 October 2014, at the protest rally near the house of the Prime Minister of Georgia.

Detention of Tabula director and producer for putting up posters in the street

On 16 October 2015, Tabula director Tamar Chergoleishvili, Tabula chief producer Lexo Machavariani and student Salome Khvadagiani were detained on Rustaveli Avenue. The reason for the detention was putting up posters for the campaign against Gazprom on the construction fence and lighting pole.

The posters depicted cartoons of former Prime Minister Bidzina Ivanishvili and Gazprom. Notably, there were other posters on the same construction fence too.

The police officers drew up a legal violation report on the basis of Part 1, Article 150 of the violations code. According to this article, “making various types of inscriptions, drawings or symbols on building facades, shop windows, fences, columns, trees without authorization, also putting up placards, slogans, banners at places not allocated for this purpose” is a violation causing damage to property of a self-governing entity.

Later the detainees were released. Tbilisi City Court acknowledged the detainees as violators.

According to the Public Defender Ucha Nanuashvili, detention of these individuals for putting up cartoons unjustifiably limited freedom of expression.

Detention of tabula producer at the “Stop Russia” rally

On 18 July 2015 Tabula TV producer Lexo Machavariani was detained at the Stop Russia rally near the Chancellery, on the basis of Articles 166 and 173 of the Administrative Violations Code – petty hooliganism and resistance to the law enforcement officer.

According to the information disseminated by Tabula, Lexo Machavariani and other organizers of the rally were forced to move the car with the equipment required for the rally away from the spot of the rally. The footage of the incident shows that when being detained, Lexo Machavariani was not informed about the legal basis of his detention. The court decided to drop administrative case against Lexo Machavariani.

On 22 July 2015 the Public Defender issued a statement saying that during the hearing the representatives of the law enforcement authorities brought Lexo Machavariani's words "shameful police" as a supposed sign of petty hooliganism. According to the Public Defender, with this the police excessively narrowed the margins of freedom of expression.

6.5. SUMMONING JOURNALISTS AS WITNESSES

Summoning journalists to the prosecutor's office as witnesses was related to coverage of the issues of high public interest and was mostly associated with one and the same TV channel – Rustavi 2. One story was prepared based on information from a confidential source; the other referred to a public statement made at a press conference, which, along with other media outlets, was also covered by Rustavi 2 TV; however, only the representatives of the latter were summoned by the prosecutor's office as witnesses.

Summoning Rustavi 2 TV journalist, Davit Kashiashvili as a witness in connection with the story prepared by him based on information from an anonymous source

On December 17 the prosecutor's office summoned Rustavi 2 TV journalist, Davit Kashiashvili as a witness. The investigation showed interest towards the story prepared by him and aired by the main news program of Kurieri on December 16¹², where an anonymous source – former employee of women's colony – spoke about a meeting of GD lawmakers, Eka Beselia and Manana Kobakhidze with prisoners and a corrupt bargain of the two lawmakers with one of the prisoners. Information provided by Kurieri's confidential source was in line with the earlier remarks made by Aleko Elisashvili, an independent member of the Tbilisi City Council (Sakrebulo), who claimed that "influential politicians" were involved in the influence peddling.

Journalist Davit Kashiashvili exercised his right not to disclose the source; he did not answer the questions asked by investigation and refused to give a testimony.

According to Article 11(1) of the Law on Freedom of Speech and Expression, the sources of professional secrets shall be protected by an absolute privilege, and nobody shall have the right to require disclosure of the source. In litigation on the restriction of the freedom of speech, the respondent shall not be obliged to disclose the source of confidential information. According to Article 11(2) of the same law, disclosure of confidential information without the consent of its owner or, in cases determined by the law, without a grounded decision of the court, shall be unacceptable.

¹² Kurieri, Rustavi 2, December 16, 2015 <http://rustavi2.com/ka/news/34421>

Summoning Rustavi 2 TV journalist, Natia Trapaidze as a witness in connection with the statements made at a press conference

On December 17 the prosecutor's office summoned another Kurieri journalist, Natia Trapaidze. This time the investigation had some questions in connection with a public statement made at a press conference. In particular, the journalist covered the press conference organized by the families of Irakli Pirtskhalava and Giorgi Tsaadze; the both men were arrested in connection to death of two persons in a police operation in 2006¹³. During the press conference, Judge Badri Kochlamazashvili was accused of taking a bribe. The investigation wanted to clarify what the journalist knew about the statements made by the families of Pirtskhalava and Tsaadze. The same press conference was also covered by other media outlets, but only the Rustavi 2 TV journalist was summoned to the prosecutor's office. Trapaidze went to the prosecutor's office, but she exercised her right to silence and did not give a testimony. It should be noted that members of the Pirtskhalava and Tsaadze families were also summoned by the prosecutor's office as witnesses on December 14 to give a testimony in connection with their public accusations.

According to paragraph "h" of article 50 of the Criminal Procedure Code of Georgia, journalists do not have to act as witnesses in connection with the information received in the process of their professional activities.

6.6. COERCION INTO CHANGING TESTIMONY

One case involving coercion of a journalist into changing her testimony is being investigated.

Coercion of Adjara TV journalist into changing her testimony

On 30 September 2015 the car of Kobuleti Bureau of Adjara TV was hijacked. Journalist Nino Inaishvili testified to the police on this incident, after which, according to her, the head of Kobuleti police Zakaria Gurchiani met her in the police office yard and asked her to change her testimony. According to Batumelebi newspaper, the probable hijacker is a relative of Rati Megrelidze, Deputy Gamgebeli of Kobuleti.

Journalist Nino Inaishvili issued the recording showing Zakaria Gurchiani's attempt to coerce her into changing her testimony. Coercion of a witness into changing the testimony involves elements of crime covered by Article 372 of the Georgian Criminal Code.

According to the MIA, the prosecutors are investigating the case of the head of Kobuleti police Zakaria Gurchiani.

¹³ Kurieri, Rustavi 2, December 9, 2015 <http://rustavi2.com/ka/news/33818>

6.7. RESTRICTION OF PUBLIC GATHERINGS

Attempts to Thwart Rustavi 2 TV Concerts

In summer 2015, Rustavi 2 TV announced about its plans to hold concerts in various cities of Georgia in frames of its campaign “Rustavi 2 for You”. However, the organizers faced some problems in several cities that aroused doubts about the attempts to thwart the TV channel’s concerts.

After its oral consent, the Kutaisi Mayor’s Office sent an official letter to Rustavi 2 TV a day before a planned concert and cited rehabilitation works as the reason behind its refusal to host the event. But later the concert was still held in Kutaisi.

The TV channel faced similar problems in Poti and Batumi, where holding of an alternative event was cited as the reason for refusal. Rustavi 2 TV planned to hold concerts in Batumi and Poti on August 1 and August 2, respectively. On July 28 the TV channel received a response from the Poti Mayor’s Office; the latter explained that a concert dedicated to the local youth was planned on that day and therefore, the TV channel’s request was rejected. Rustavi 2 TV pointed at a deliberate campaign against the channel. It said that local TV channel had not announced about the plans of the Poti Mayor’s Office and respectively, local population had no information about the planned concert, unlike Rustavi 2 TV, which announced about its plans to hold a concert long ago.

The Batumi Mayor’s Office also cited other planned events as the reason for refusal. So, the TV channel held the planned concerts in Poti and Batumi later.

Holding of concerts was made possible after the civil society organizations expressed criticism in this regard. The Coalition for Media Advocacy released a statement¹⁴ slamming local authorities for creating artificial obstacles to the TV channel.

6.8. BLOCKING A FACEBOOK PAGE

Blocking of the “13 June Volunteers Community” page

In June 2015 personal pages of all administrators of the 13 June Volunteers Community Facebook group were simultaneously blocked, resulting in the abolishment of the group.

Ministry of Internal Affairs launched investigation into this incident. According to the Ministry’s information, the case was investigated by the Cyber Crime Division of the Criminal Police Department, on the basis of Article 284 of the Criminal Code, which regulates an unauthorized access to computer system.

¹⁴ Statement released by Coalition for Media Advocacy <http://www.media.ge/ge/portal/news/303714/>