

# Georgia's News Media: Polarized and Politicized

## A report on the state of free speech and press freedom

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There seem to be no impartial independent news media in Georgia, although there is a handful of news outlets that aspire to the level of professional news standards in established democracies. Such outlets seem unable to manage such evenhandedness, however, because of the radical polarization of Georgia's political life between supporters of the government of President Mikheil Saakashvili and his opposition.

The few news media outlets that try to be impartial are more or less forced into an oppositional stance by the government's attitude of "You are with us or against us, and there is no in-between." Opposition leader Bidzina Ivanishvili, Georgia's wealthiest man (reportedly worth \$6.4 billion), may mirror that attitude. He recently made a threatening statement to the effect that if the opposition wins the forthcoming general elections, journalists in pro-government outlets can expect to be punished if they keep working as they now do.

Thus, journalists and outlets that have sought to be professionally balanced have been forced willy-nilly into one camp or the other.

Another overwhelming impression of a weeklong mission to Georgia to assess the state of free speech and press freedom in Georgia in advance of the elections, now set for Oct. 1, was that in the small country's tiny political class of perhaps a couple thousand persons -- including media leaders, NGO activists and lawyers -- everyone is so inextricably interrelated that notions of conflict of interest or nepotism make no meaningful sense. That very intimacy poisonously personalizes the political feuds.

Shorena Shaverdashvili, head of the Liberali news group, the leading would-be independent outlet, said: "The government's leaders, including Saakashvili, they are all old friends. We know them well. Sure, we still see them, but we just can't hold an honest conversation with them anymore."

We asked political talk show host Eka Beridze, who had just switched to the pro-opposition TV9 channel (owned by opposition leader Ivanishvili's wife) from another opposition channel why she made that move. She said one reason was because her husband is the general manager of her new station. On the pro-government side, Tamara Chergoleishvili, editor-in-chief of the slick newsweekly Tabula unblushingly said her positive analysis of the ruling party's election prospects is based on what her husband tells her. As head of the President's National Security Council, he is privy to its intelligence.

A major factor in Georgia's polarization appears to be as much the reactions to President Saakashvili's self-aggrandizing governing style as to his government's policies. Even his

opponents admit that in the first years in power after the “Rose Revolution” of 2003, his government did much to reform Georgian society – rooting out pervasive petty police corruption and bribe-taking and eliminating routine bureaucratic red tape that made a hassle of the daily life of ordinary citizens.

We spent a full week, 30 July-5 August, conducting detailed interviews with some 25 editors, journalists, academic journalism teachers, Georgian NGO activists, and foreign NGO and diplomatic observers. (See list of interviewees, Annex 1.) We concentrated our interviews in the capital of Tbilisi, home to a third of Georgia’s population of 4.5 million. But we also visited a provincial radio-TV in Gori, hometown of Georgia’s best-known son, Stalin, and a frontline outpost in the 2008 war with Russia over the breakaway region of South Ossetia.

We undertook our mission for the Centers for Pluralism, affiliated with the Institute for Democracy in Eastern Europe, and the World Press Freedom Committee. But our conclusions are our own and do not necessarily reflect those organizations’ views.

To understand the context of our findings, it should be noted that the outcome of the Oct. 1 parliamentary elections seems uncertain. An opposition victory in a free and fair vote seems quite possible. There have been several very contradictory public opinion polls.

There has been a major struggle over the public’s access to TV news -- by all accounts, the main source of information for some nine-tenths of the population, especially in the provinces. Print press circulations are tiny and seem to have limited influence beyond the political class itself. Thus, the major politico-media story of recent weeks has been three governmental seizures of up to 100,000 satellite dishes that pro-opposition cable TV outlets were preparing to distribute nationally to get their messages across beyond the capital. The government justified those seizures on grounds that the dishes to be given out for free or on a very cheap subscription basis were illegal vote-buying, under Article 160 of the penal code – a view contested by independent NGOs and the media outlets trying to provide balanced coverage. The Tbilisi City Court upheld the seizures, ruling in favor of a finding by the State Audit Office that the dishes were vote-buying by opposition leader Ivanishvili and fining him more than the equivalent of \$75 million (halved on appeal) – an outcome that Georgian lawyers say is typical in a judicial system with no independent courts. There are plans to appeal the case to the European Human Rights Court in Strasbourg.

It is also hard to assess the general population’s perception of the state of the economy. Tbilisi is full of high-profile new construction with striking, sometimes questionable, modern architecture sponsored both by government and private sources. One of the most prominent buildings is a gleaming new central Orthodox basilica funded by opposition leader Ivanishvili when he still backed President Saakashvili. Yet, despite all the glittering new buildings, visits we made to Tbilisi’s huge flea market showed that there is a very large underclass trying to survive by selling very poor goods, lots of them obviously family possessions. (Per capita income was nearly \$5,000 in 2011, according to the World Bank. Eastern Georgia, centered on the capital, is more prosperous than western Georgia.)

Another major source of tension in Georgian society, clearly reflected in the media, is the role of the Orthodox Church, to which 84% of the population belongs, at least nominally. President Saakashvili is known to be secular and reputedly anti-clerical, but he has been wooing church authorities, while tolerating strong criticisms of the clergy on the public TV channel. The religious tensions seem linked to a widely held perception that Georgia's Orthodox Church remains very close to neighboring Russia's Orthodox Church, despite Georgia's recent war with a Russia, whose government dotes on its clerical alliance. A number of interlocutors said that criticism of the Georgian Orthodox Church is the main taboo for the media, yet such criticisms crop up regularly in media commentary.

Our contacts with ordinary Georgians showed that there is clearly a strong revival of religious practice. Political talk show host Davit Kikalishvili on Georgia's leading TV channel, pro-government Rustavi 2, says criticism of the Orthodox Church is justified for corruption, penetration by Soviet-era KGB agents, and for being generally out of touch with the evolution of society. But he says he avoids the subject because "there are several very religious persons on my staff; I don't want problems with them." Yet, another talk show host, David Paitchadze of Georgian Public TV, says he prides himself on providing a platform for critical views of the Church.

The press includes a xenophobic fringe, led by the chauvinistic weekly Asaval-Dasavali, whose main target is the Armenian minority of about 6%. Neighboring Armenia is a traditional rival, whose historic relationship with Russia as its protector has elicited popular paranoia. But more traditional hate themes like anti-semitism are not expressed in Georgia's xenophobic press, according to our interlocutors. Liberal editor Shaverdashvili says the government is very adept at exploiting the ambient xenophobia.

Surprisingly, media allegations of high-level corruption connected to the numerous public works projects are not taboo. There has been much media and political criticism of President Saakashvili's costly transfer of the national parliament from Tbilisi in the west of Georgia to Kutaisi, the centrally located second largest city, over three hours away via a sinuous mountain road. Saakashvili presents this as a decentralizing measure, restoring regal functions to the 12th Century capital, where he recalls that his distant predecessor, King David the Builder, established the seat of a united Georgia. Analysts we consulted noted that the move also draws Parliament away from the modern capital of Tbilisi, home to the core of the President's political and media opposition. Editors of Tbilisi's economically weak print outlets say they will have serious trouble sending reporters to cover the distant Parliament and that the new building's press facilities are far less convenient than before – deliberately so.

Official secrecy over the cost of the futuristic parliament, designed by a Spanish architect with an overarching Star Trek-style glass bubble dome, illustrates how the authorities ignore the country's laws when it suits them. Editors said the press finally managed to get a realistic estimate of the costs of over \$100 million (more than doubling the \$37 million first bruited by parliamentary sources) but that attempts to pin them down through Georgia's Freedom of Information law were ignored -- as are Georgia's other good free speech/press freedom laws and constitutional guarantees when the government finds them inconvenient. (See Annexes 3/4, relevant Constitutional provisions and the Freedom of Expression Law.) The FOI law provides

that requests must be met within a week. But the new parliament building was financed by a presidential fund whose operations the government holds secret. The construction contract went to Magi Style, a building company controlled by the Chairman of the Georgian National Communication Commission, Irakli Chikovani, and the head of the dominant TV advertising production firm, Giorgi Gegeshidze.

Perhaps in part in response to international pressures in a country that belongs to the democratic club of the Council of Europe and aspires to membership in the European Union and NATO, the official rhetoric of democracy is well-honed. But democratic practices are either ignored or poorly understood in a country subjected for centuries to Tsarist and Soviet authoritarianism.

The government has been experimenting with “soft authoritarianism,” according to journalism teacher Nino Daniela. Journalists are not jailed nowadays, but they are harassed and routinely denied access to public events like President Saakashvili’s provincial political rallies. (Lack of a “sunshine” law making open public access to meetings of governing bodies the norm is the major hole in the panoply of Georgia’s formally exemplary freedom of expression legislation, says Lia Chakhunashvili, deputy chief of IREX Georgia.) Journalists complain of police manhandling and of being surrounded by mysteriously organized flash mobs of ten or a dozen young men who prevent coverage with persistent harangues of hostile questions about their professional qualifications. Editors say tax audits of publishing houses regularly follow articles the government deems unfriendly.

It is not at all clear that an opposition-led government would create a better atmosphere than today’s for news media. When we asked Rustavili 2’s Kikalishvili what he thinks would happen to him if the opposition wins, he unhesitatingly said, “I’ll lose my job.” By contrast, when we asked the same question of Ilia Kikabidze, Director of Maestro TV, the leading opposition cable channel, he said the station, now losing money and heavily subsidized by private donors to survive, would become very prosperous.

Ivanishvili was recently quoted addressing pro-government journalists: “It is my request and public demand to you to change your position until after the election and carry out your duties appropriately. Do not take part in violence and be objective. If not, when we come to power, it will be difficult for you to keep your place in society since Georgians already feel frustration with many journalists.”

Another sensitive topic for the media has been the widespread view that Saakashvili recklessly provoked Russia into Georgia’s militarily disastrous war over South Ossetia (called Tskinvali by the Georgians) – a subject of hot public debate. Russian President Vladimir Putin may have unwittingly given Saakashvili an electoral boost when he recently admitted offhandedly that he had planned the war all along.

The accusation that opposition leader Ivanishvili is a Russian puppet is another major sensitive media topic. His fortune is based on a 1% ownership of Gazprom, Russia’s government-controlled energy monopoly, and other Russian properties. He gave up his Russian citizenship to conform with Georgian law and has been selling off his Russian holdings (on suspiciously favorable terms, pro-government media say). In his public pronouncements, he says he will work

to get back South Ossetia and Abkhazia, the other Russian-backed breakaway province, but he also stresses that he is better placed to deal with Russia than Saakashvili. Ivanishvili's creation of a coalition of six parties, called the Georgian Dream, was a major feat. Yet, it is not altogether clear what holds its member groups together besides rejection of Saakashvili.

Observers contend that the weakness of independent print press is at least partly because of government intimidation of businesses tempted to advertise -- and to the breakdown of the postal distribution system since Soviet times, when mail subscriptions were a major source of circulation. The government could surely fix that breakdown if it had any interest in helping circulation. By banning street hawking of newspapers away from official kiosks owned by businesses close to the government, the authorities have shown they have no interest in helping the print press that way. According to George Tevdorashvili, editor of one of Georgia's largest circulation publications, the weekly Kviris Palitra, President Saakashvili has in fact publicly discouraged government offices from buying the press, which he says he does not read. He has said three times in the past 18 months that subscriptions at public expense are unnecessary. Tevdorashvili says official subscriptions were canceled and that there has been a general circulation decline of 35%.

Print press wages are low. The journalists trade union is seen as weak and as an official puppet. There are a number of university journalism training programs -- generally considered poor or irrelevant. The main state university has some 600 journalism students, for whom there are only a handful of media job openings.

Attempts to create a self-regulatory system to promote professional standards have produced limited results. Only 213 journalists are listed as adhering to a two-year-old group that produced a widely touted Georgian Charter of Professional Ethics. (See the Charter text, Annex 5.) Journalists join the Charter group on a personal basis and agree to accept a complaints procedure that has adjudicated 13 cases in the past year, censuring the journalists in six of them. The individual membership approach was instituted after an earlier self-regulatory press council was abandoned because too many publications rejected it.

Journalistic critics of the government acknowledge a major step forward came with promulgation of a "must-carry" law making it mandatory for all cable TV services to offer all competing outlets for the 60 days before elections. This went into effect Aug. 5, in advance of the vote of Oct. 1. Georgian observers say it was a positive government concession to international insistence but needs to be extended beyond election periods. Opposition TVs and cable operators complain that previously all kinds of strong and effective commercial and political pressures were applied to dissuade service providers from carrying channels unlinked to the government.

The three main TV channels, favorable to the government and cornering most of the viewership, are:

- 1) Georgian Public Television. The consensus is that, while its news is clearly pro-government, it takes some care not to appear excessively partisan. Its signal reaches 82% of the population, according to a Transparency International Georgia study.
- 2) Imedi, owned 45% by Georgy Arveladze, a former chief of President Saakashvili's staff and former Economic Development Minister, through companies in the British Virgin Islands and

Panama, until offshore ownership was banned last year. Imedi reaches 96% of households, says TI Georgia. It is considered the most partisan of the top three and is notorious for a false broadcast in March 2010 featuring a Russian tank invasion of Tbilisi and a report of Saakashvili's assassination. Arveladze defended the program as a "joke" (along the lines of Orson Welles famous 1930s radio account of an alien invasion from Mars) meant to warn viewers of the ongoing Russian threat.

3) Rustavi 2, considered the most popular channel, also has a 96% footprint. It was formally owned by companies registered in the British Virgin Islands and the Marshall Islands until the law required Levan Karamanishvili, whose family is close to President Saakashvili, to reveal his 90% ownership late last year. He is a world class champion poker player.

Tatiana Vaksberg monitored and compared the main evening news programs of those three principal channels for Friday, Aug. 3. She found that they run near identical news reports, dominated by the talking heads of government leadership and that the journalists covering the news have apparently abdicated their professional news selection and presentation roles to Georgia's political chiefs. (See her detailed findings, Annex 2.)

The TV advertising sales market is monopolized by General Media, a company that services the two leading pro-government private channels, Imedi and Rustavi. They agreed to limit their competition for ads by patronizing the same firm. It is led by a businessman close to the government, David Kezerashvili, a former Defense Minister (2006-2008) under President Saakashvili.

TV accounts for 78% of all advertising in Georgia and this is soaked up by General Media's two principal clients. Public Broadcasting carries no commercial advertising.

Rustavi 2's Kikalishvili says that to prosper, a TV company must be close to the government. Those who are not are "loyal to the opposition," he says. "I can't say that any television company could be independent; there is no market to support that." It may be a "fault" to be loyal to the government, but there is no choice, he says. "We are living in a bad period." He says his channel does carry critical statements by opposition leaders but that the journalists "try not to be critical."

"We lost our objectivity in the Rose Revolution [that brought Saakashvili to power in 2003]. We were on the side of the revolution," he says.

Speaking of outlets that feed documentaries to the channels identified with the opposition, like Studio Monitor, he says he is glad they exist but that they have surrendered to the fashion to oppose the government and need to be more professional.

He says the least partisan major outlet is public TV but that it does not attract the best talents because it pays two to three times less than the main private outlets.

There is another pro-government private channel, Real TV, seen as the most partisan of all. It has a relatively small audience.

Public Broadcasting has a Russian-language channel, PIK-TV (Perviy Kavkazskiy), that reaches the Russian Federation's northern Caucasus republics, Georgia's breakaway provinces of Abkhazia and South Ossetia, and the neighboring Trans-Caucasian countries of Armenia and Azerbaijan. Also beamed into central Russia by satellite and YouTube, it reputedly encourages opposition to the Putin government. The Georgian Orthodox Church has a channel, Ertsulovneba.

The main opposition channels are:

- 1) Maestro, available only via cable or satellite. Thanks to US and European diplomatic pressures it was finally authorized to broadcast as a news channel in late 2009, after two years of bureaucratic resistance. The principal funder is Maka Asatiani, wife of Kote Gogelia, a Swiss-based Georgian businessman with interests concentrated in Russia. He has been active in the Georgian opposition. Maestro Director Ilia Kikabidze says Ms. Asatiani contributes several hundred thousand dollars monthly for operating expenses. She owns 25% of Maestro.
- 2) TV9, created in April 2012. Its 80% owner is Ekaterine Khvedlidze, the wife of opposition leader Ivanishvili. Its staffers say their ambition is to become a 24-hour news channel modeled on CNN. They complain about the poor quality of their equipment because, they allege, when they imported items from abroad they were damaged in customs.
- 3) Kavkasia, with a terrestrial broadcasting authorization for the capital region, reportedly now watched by 19% of its potential audience, according to a study by the National Democratic Institute. Nearly 40% of Kavkasia's recent advertising revenue was from the Georgian Dream coalition, according to Transparency International.

Aside from the cable operator Global TV, 67%-owned by opposition leader Ivanishvili's brother Alexander and whose operations have met numerous official obstacles, most of Georgia's 70 (mostly local) cable TV service providers had refused to carry Maestro or TV9 until the "must-carry" rules went into force.

Zurab Bazlidze, the marketing chief of Global TV says that in his nearly 20 years in the media business he has never seen so much political pressure. Major problems started after the 2008 war with Russia over South Ossetia, he says, when there was heavy pressure to drop foreign TV services such as BBC, CNN, Deutsche Welle and Euronews. Russian outlets were switched off then.

On Oct. 15 last year, he says, subscribers called to say the Global TV signal had been switched off. In the second largest city of Kutaisi, its broadcast facility was surrounded by Interior Ministry security men, the power was cut off, and the staff was blocked from going to work. Bazlidze says several local distribution facility managers called to cut their contracts and asked Global TV not to appeal to the courts because they felt threatened.

Opposition TVs depend to a large extent for original investigative documentary reporting on Studio Monitor, a small, dedicated independent production team that provides its programs for free. It is supported by foreign NGO and foundation grants. Studio Monitor provides a fortnightly program to Maestro. Originally, Monitor programs could be seen only as documentaries in movie houses. Monitor concentrates on exposing corruption, typically with

three or four subjects of 15-20 minutes. In a recent competition, the top five of 35 entries were from Studio Monitor.

A paradoxical measure of their success may be that, the week before we met with them, they were burglarized under very suspicious circumstances. They had just moved their operations to a new flat in Tbilisi, and were hit within a week. The burglars apparently knew exactly what technical equipment to steal to hamper operations but left behind other items that should have been tempting to an ordinary burglar looking for things to sell.

Amongst recent subjects, Monitor has done pieces on Tbilisi city hall corruption, notably in a major reconstruction project to refurbish all the buildings on a historic city street. Another Monitor investigation exposed a parking racket in Tbilisi and resulted in arrests of the parking attendants. Monitor's strength is willingness to devote weeks, occasionally months to probing a subject. A freelancer who produces a program for Monitor is paid \$800. Monitor also encourages investigative reports by local regional outlets, recently sponsoring 24 provincial subjects, with funding by the Georgian branch of the US-funded IREX (International Research & Exchanges Board).

One of the Monitor team of 15 young journalists, Nana Naskidashvili, says reporters net \$560 monthly. She said she turned down a government public relations job at more than double the salary to continue to devote herself to journalism and that she makes ends meet by sharing an apartment with her brother.

Another similar documentary team, called Reporter, went out of action in 2009 when its chief, Vakhtang Komakhidze, felt so threatened that he sought and got political asylum in Switzerland. He attributed the threats to his reporting from South Ossetia. Officials reportedly alleged that he must be a foreign agent if he could work in South Ossetia.

There are also several local stations, including Trialeti in Gori. TV9 owns a 10% stake in it. As a condition of the TV9 investment of \$1 million, Trialeti carries TV9's main news program. A Transparency International study quoted a TV9 leader indicating that the opposition channel seeks similar deals with other regional stations.

Maestro Director Ilia Kikabidze told us that the authorities have tried to isolate regional stations and that a major reason is to prevent local outlets from passing news items about government provincial activities to national media.

The Director of the Gori station Trialeti, Badri Nanetashvili, alleges that local police have orders to follow him and his brother Jondo, who heads the station's larger holding company and that government representatives tell local businessmen not to advertise with Trialeti. The Director alleges that two policemen arrested his brother at a stoplight in front of the local government administration in October 2010 and knocked his head on the car, causing brain damage. Badri says a doctor who wrote up his findings after examining Jondo was fired the next day from his hospital and that Trialeti's attempts to get the policemen disciplined have been systematically hampered by local and national authorities. Badri said there have been other, recent police beatings of Trialeti journalists and that they regularly get telephone threats.



He says Trialeti has been broadcasting since 1990 and can reach some 500,000 persons in a radius of 50 miles, including South Ossetia. The company manages to be profitable, he says, because it has diversified with movie houses, cafes and a radio station. It has eight local reporters and also broadcasts national news programs of Maestro and TV9, he says.

There are several good regional weekly newspapers, including Batumelebi in the western port city of Batumi and Guria News in Guria, says Transparency International's Georgia Program Manager Mathias Huter. He says Batumi police have allegedly used gay photos to try to blackmail local journalists.

Huter says the national print press is free but largely irrelevant, with the largest non-governmental daily normally circulating about 4,000 copies.

Resonanci is the main independent daily newspaper, with Tbilisi-centered circulation of 5,000 to 10,000, depending on the day's news, according to its Editor-in-Chief, Lasha Tughushi. Others estimate its daily circulation at less than 4,000.

While the Nielsen rating system produces generally respected estimates of TV audiences, there are no reliable print circulation figures – another major obstacle for advertising sales. Tughushi describes his paper's stance toward the government as "critical but balanced." But it is seen by the government as an opposition paper. Created in 1990, it is nevertheless a stable feature of the Georgian news media scene. Tughushi has been the editor since 1995. He says he has 25 journalists.

The main independent weekly is Liberali. It gave up in January on producing the printed magazine, which had a circulation of 3,000, according to its hard-driving chief, Shorena Shaverdashvili. It now supplies 14,000 copies weekly to seven regional outlets as a free eight-page supplement and is also produced as a magazine on-line, a growing form of news distribution in Georgia. Shaverdashvili says moving from the printed magazine to the newspaper supplement format cut printing costs about 80%. The Liberali group, with 50 staff journalists (10 for the weekly) also includes a radio station and a monthly lifestyle magazine, Hot Chocolate (circ. 3-5,000), that aims to be a cross between Vanity Fair and The New Yorker, minus their political coverage. By steering largely clear of politics, it manages to sell advertising. But, its chief said, the group still depends on grants, mainly from IREX and the Soros foundation.

Media advocate Nino Daniela recalled that Liberali attracted only one advertiser when it offered space for free, while the first edition of its pro-government rival, Tabula, ran 16 ad pages in its first edition in March 2010.

Tabula editor, 37-year-old Tamara Chergoleishvili, is a lawyer who has done long stints at the US Justice Department and the Council of Europe in Strasbourg. She says her handsome magazine has 20,000 circulation – 4,000 through kiosk sales and 16,000 distributed free through cable TV providers. She says she has no hesitation saying her free market-oriented magazine is also pro-government.

It is produced from a floor of a gray Soviet-style apartment block without signs indicating its presence. Critics question how its owners can afford to sell it for just 1 lari – about 60 US cents. The editor says the magazine's income now covers three-quarters of costs and that her business plan, now in its third year, calls for profitability after five years. She says she and her personal foundation own 20%, and that 50% is owned by an investor called United Capital Group. She has a staff of 65, including 25 writers.

Chergoleishvili says her model is The Economist. Tabula's monthly English-language edition (free circ. of 2,000) runs pages-long interviews hard to imagine in The Economist.

Editor Tevdorashvili of Kviris Palitra claims a circulation of 60-70,000 for his splashy tabloid weekly, the country's largest. It has 25 journalists and is the flagship of a diversified group, totaling 150 journalists in 20 publications, a radio station and an Internet TV channel. The company has been refused a national TV license, he says. The publications include the weekly English-language Georgia Journal, distributed free in hotels and restaurants. Issues we saw carried balanced political articles. Starting journalist salaries are about \$200 a month and range up to about \$700, he says.

The editor says that after his outlets carried exclusive pictures in late May, without comment, of the police beating his journalists covering a demonstration, all six of his group's affiliated non-media companies were subjected to tax audits. The companies were locked down, blocking access to printing and paper production facilities. This was lifted only after a public demonstration attended by the US Ambassador and his staff. And, says Tevdorashvili, the audits found no basis for tax increases.

There has been growing solidarity amongst news media outlets not linked to the government. We attended an early afternoon demonstration on Aug. 3 of about 50 persons outside the offices of the chief public prosecutor to protest the impoundment of the Maestro TV and Global TV satellite dishes. Virtually all the leading independent editors took part in a symbolic counter-sequestration of the prosecutor's office. It was covered by their own outlets but not by the leading pro-government TVs, and there was no report of it on the evening news.

The government's media control system includes frequent instances reported of police aggressiveness, including arrests and reported beatings of journalists, as well as frequent seizures of cameras in which police erase images before returning cameras. But there is also a far more sophisticated controls including elements referred to above, such as:

- 1) Degradation of the print press postal distribution and street sales,
- 2) Monopoly control of the TV advertising market,
- 3) Pressures on cable TV services to exclude programs that do not have official approval.

All of this takes place in a legal framework that formally meets the standards of established democracies. US and European leaders and diplomats routinely chastise the government for the way it twists the rules of the game, but the authorities seem to feel that their alliance with the West allows them to get away with such rule-bending with nothing more serious than occasional light raps of the knuckles. More than once, we heard references to the well-known anecdote

about US President Franklin D. Roosevelt, who -- when told that Somoza, the dictator of Nicaragua of the time, was “an SOB” -- reputedly replied, “Yes, but he’s our SOB.”

There are a few obvious measures, ranging from simple to implement to complex long-term actions to correct the situation:

- 1) Allowing street hawking of the print press,
- 2) Reinstating postal distribution so that newspapers and magazines could sell subscriptions,
- 3) Creation by news media outlets of a genuinely independent and broad journalists association of the kind that has been effective in much of post-Communist Europe in defending both labor and management interests,
- 4) Legal measures:
  - a. Antitrust action in the advertising sector to restore competition,
  - b. Introduction of sanctions for non-compliance with Freedom of Information requests,
  - c. Passage of a “sunshine” law making open meetings of public bodies the rule rather than the exception,
  - d. Making the “must-carry” law permanent rather than merely for the 60 days before elections,
  - e. Human rights training and sensitization of police and magistrates.

It should be noted that Georgia was tied with Ecuador for 104th place in the 2011-12 annual Press Freedom Index of Reporters Sans Frontieres – a ranking on a par with the South American country that currently gets the heaviest criticism for its government’s press control policies.

In Annex 3 below are the provisions of Georgia’s Constitution related to freedom of expression and the basic law on the subject, in Annex 4. Other relevant laws include those on regulation of broadcasting and freedom of access to information. Those texts are also generally seen as meeting international human rights and libertarian standards.

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Ronald Koven has been the European Representative of the World Press Freedom Committee since 1981, monitoring press freedom issues at intergovernmental organizations, including UNESCO, UN Human Rights Council, Organization for Security and Cooperation in Europe, Council of Europe, European Union. After the fall of the Berlin Wall, he conducted an intensive program of aid to newly independent press in Eastern Europe. Earlier, he was the political correspondent of the International Herald Tribune during the De Gaulle presidency and served 1969-81 at The Washington Post, successively as Diplomatic Editor, Foreign Editor and Paris Correspondent covering Latin Europe and the Maghreb. He was the Paris Correspondent of the Boston Globe 1981-91.

Tatiana Vaksberg is an award-winning journalist with extensive experience in broadcast and print media. She is now based in Sofia, Bulgaria as a freelance correspondent for Deutsche Welle and a columnist for the Bulgarian Helsinki Committee. She has been a US correspondent in Washington DC for the Russian service of Radio Free Europe. She has authored books and documentaries on transitional governance, international and human rights, including a groundbreaking TV investigative documentary on the forcible assimilation of Bulgaria’s Turkish minority and a book on the Slobodan Milosevic trial at The Hague. She holds four Bulgarian

awards for investigative and analytical journalism and is a Public Policy Scholar of the Woodrow Wilson International Center for Scholars.

#### Annex 1: Sources interviewed

Zurab Bazlidze, Director, Development & Marketing, Global TV cable TV operator

Eka Beridze, political talk show host, TV9

Nana Biganishvili, journalist, Studio Monitor TV documentary producer

Lia Chakhunashvili, Deputy Chief, IREX Georgia

Tamara Chergoleishvili, Editor-in-Chief, Tabula weekly newsmagazine

Nino Danelia, Trustee, Georgia Public Broadcaster; member, Coalition for Media Advocacy, journalism professor

Nate Geladzem, lawyer, Global TV cable TV operator

Ivlian Haindrava, Director, South Caucasus Studies Program, Republican Institute

Mathias Huter, Sr. Analyst/Program Manager, Transparency International Georgia

Natia Kapanadze, Project Coordinator, Georgian Young Lawyers Assn,

Ilia Kikabidze, Director, Maestro TV

Davit Kikalishvili, political talk show host, Rustavi 2 TV

Tamar Kordzaia, Exec. Director, Georgian Charter of Journalistic Ethics assn.

Badri Nanetashvili, Director, Trialeti regional radio-TV company, Gori

Nana Naskidashvili, journalist, Studio Monitor TV documentary producer

David Paitchadze, political talk show host, TV1, GPB, Georgian Public TV

Nugzar Popkhadze, journalism professor, ex-Soviet Georgia Chief of Ideology

Shorena Shaverdashvili, Head, Liberali news group/Dekom Media House

Matt Shelley, Chief, IREX Georgia

Peka Sivtzivadze, journalist, Asaval Dasavali weekly

George Tevdorashvili, Editor-in-Chief, Kviris Palitra weekly newspaper/media group

Baia Tsanava, Editor-in-Chief, IPN Interpressnews

Lasha Tughushi, Editor-in-Chief, Resonanci daily newspaper

Annex 2: Three channels with one news agenda

By Tatiana Vaksberg

A review I conducted of the main evening news programs of Georgia's three leading TV channels for Aug. 3, showed that they reported almost identically on the same unbalanced stories. Most topics were politicized. Normal European TV reporting and ethical standards were rarely respected, and filming and editing of most coverage was nearly identical on all three outlets.

Occasional but noticeable exceptions were displayed by the Public Broadcaster's main news program. It showed a clear effort to present a variety of viewpoints and to develop its own public interest stories, even if they were not very numerous..

Unusual lengths

The main news programs of the three leading TV channels ran one hour each and contained an average of 17 items. The reports did not display any European or local standards for duration, running from as little as last 40 seconds to as long as 7 minutes. The durations did not seem necessarily to reflect the relative importance of events being reported.

40 seconds was allotted by Imedi TV to a new UN resolution on the Syrian conflict, placed in 10th place in the news. The longest video, lasting 7 minutes, was for Imedi coverage of a meeting in the town of Gori by the opposition Christian Democratic Party (often depicted as a government-manipulated tame opposition party). Despite its impressive length, the report was aired in 15th place and was not noted in the program's headlines.

Between those two extremes in length, most reports during the three main news programs lasted about 4 minutes (slightly less on the Public Broadcast) – twice the average length on most European TV channels.

Reporters eclipse themselves in favor of politicians

Most journalists of the three main TVs did not to appear much on camera and surrendered their places to political talking heads. (See exceptions below). The reporters' own texts often took up a tenth or less of their reports. Only occasionally was some time devoted to interviews with experts or eyewitnesses. Generally, the reports were dominated by speeches by government leaders to various groups -- farmers, church representatives, tourism workers, unemployed persons or ordinary voters. The speeches were often aired with little editing. A politician might

stay on screen for twice as long as a TV anchor. Among notable examples were these items featuring leaders speaking almost unedited:

\* Christian Democratic Movement politicians commenting on forthcoming elections (7 minutes on Imedi; 3 minutes on Rustavi-2; 6 minutes, 30 seconds on Public TV)

\* Georgian Prime Minister meeting farmers; explaining a new government program to distribute farm products (4 minutes on Imedi, 3 minutes on Rustavi-2, 2 minutes on Public TV)

\* Georgian President visiting a village in western Georgia; promising to make it a tourist attraction (5 minutes on Imedi, 4 minutes on Rustavi-2, 3 minutes, 30 seconds on Public TV)

\* Georgian President visiting the city of Poti; observing restoration of an ancient church (5 minutes on Imedi, 3 minutes, 30 seconds on Rustavi-2)

Irrelevant commentators

Besides their overwhelming presence with political news items, the politicians were also featured in reports on arts and culture. There were two reports on restoration or archeology, with commentaries by politicians rather than relevant specialists:

\* Archeological finds of a medieval fortress in Tbilisi downtown (with the Tbilisi Mayor's commenting on both Imedi and Rustavi-2)

\* Georgian President visiting the city of Poti; observing restoration of an ancient church (with comments by the President and Church representative on both Imedi and Rustavi-2)

In contrast, Public TV news presented experts' comments on the excavation and significantly reduced the length of the church restoration report.

Strikingly similar camera work, editing and presentation

While they were heavily politicized or unbalanced in their current political or cultural news, the main Georgian TV stations did show themselves capable of best practices, in reports on unexpected news items of public importance.

On Aug. 3, a young politician and ex-journalist was found dead at his home. Some media cited suspicious circumstances in the death. Imedi aired a 4-minute report with three testimonials by neighbors and a fitness instructor, as well as background information on the deceased man. But just a while later, a similar report was aired by Rustavi-2, using the same testimonials by the same persons and similar camera work.

A close look at the three programs shows that this approach does not seem coincidental. The three different TVs carried similar camera work and editing in at least 3 more reports:

\* Georgian Prime Minister meeting farmers; promising government help to distribute farm products

\* Georgian President visiting a village in western Georgia; promising to make it a tourist attraction

\* Georgian President visiting the city of Poti; observing restoration of an ancient church

Notable exceptions were two items that led the Public TV's news. Those two reports did not appear on the other channels. The subjects concerned a woman deprived of parental rights and the Olympic Games. Aside from their unusual lengths of 5 and 4 minutes respectively, both were done professionally.

However the frequent similarities from one channel to another, according to Matias Huter of the Georgian branch of Transparency International, go right down to near-identical wording.

Political ads looking like news reports

Georgian legislation allows airing of commercials during the news if a news program runs for at least 30 minutes. The Public Broadcaster is prohibited from screening ads in prime time (i.e., during the main news program). The broadcast law states that "advertisement ... shall be clearly identified and distinguished from programs."

What we monitored on the private TV stations Aug. 3 represented an average of a 6-minute block inserted in the news, with commercials, social and political ads mixed together. Each of the blocks contained 3 different political ads for the ruling party. There were no ads for other political parties.

All 3 items were presented in news reporting style. Together with the dominant presence of ruling party leaders in the news program as such, the perception of onesidedness was thus reinforced by the ads.

Self-censorship or lack of professionalism?

Why do Georgian TV journalists find it acceptable for politicians to highlight the news, rather than reporters or experts (with strangely similar images)? Why do journalists seem to abdicate their roles of informing the public and of selecting what is important and of ranking it in their presentations?

Simply recording political talking heads instead of producing original, reliable news reports might simply reflect lazy journalism, if done freely. But it seems more likely to reflect responses to pressure or self-censorship. Several journalists suggested that it may result from lack of professional standards (the view of Davit Paichadze). Nino Danelia thinks there may be several reasons.

We could not reach ironclad conclusions on the motivations. But we can note the risks of the practices observed. Granting primacy to politicians over journalists hampers professional development, prevents dissemination of the independent information the public needs for democratic choices, and enhances the potential for censorship. The present situation increases the risk that, in turn, new political leaders would follow the current leadership's example to dominate the TV screens.

Annex 3: Freedom of expression guarantees in the Constitution of Georgia  
(Adopted 24 Aug. 1995, as amended 27 Dec. 2007)

Article 19 1. Everyone has the right to freedom of speech, thought, conscience, religion and belief.

2. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible.

3. The restriction of the freedoms enumerated in the present Article shall be impermissible unless their manifestation infringes the rights of others.

Article 23 1. The freedom of intellectual creation shall be guaranteed. The right to intellectual property shall be inviolable.

2. Interference in creative process, censorship in the field of creative activity shall be impermissible.

3. The seizure of creative work and prohibition of its dissemination shall be impermissible, unless it infringes the legal rights of others.

Article 24 1. Everyone has the right to receive and impart information freely, to express and impart his/her opinion orally, in writing or by or in any other means.

2. Mass media shall be free. Censorship shall be impermissible.

3. Neither the State nor particular individuals shall have the right to monopolize mass media or means of dissemination of information.

4. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law in such conditions that are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for prevention of crime, for protection of the rights and dignity of others, for prevention of disclosure of information acknowledged to be confidential or for ensuring the independence and impartiality of justice.

Article 41 1. Every citizen of Georgia shall have the right to become acquainted, in accordance with a procedure prescribed by law, with the information about him/her stored in state institutions as well as official documents existing there, unless they contain state, professional or commercial secrets.

2. The information existing in official papers pertaining to an individual's health, his/her finances or other private matters, shall not be accessible to anyone without the consent of the individual in question, except in cases determined by law, when it is necessary for ensuring the state security or public safety, for the protection of health, rights and freedoms of others.

Annex 4: Georgian law on Freedom of Speech and Expression  
Chapter I. General Provisions



## Article 1. Definition of terms

The terms used in this Law shall have the following meaning:

- a) Statement – information publicly disseminated or disclosed by a person to a third party;
- b) Opinion – value judgment, a viewpoint, a comment, as well as expression of ideas by any means reflecting the attitude to a person, an event or a subject that does not contain verifiable or deniable facts;
- c) Object of expression – a topic or an issue, which is being discussed with respect to which opinions are expressed;
- d) Advocacy – a statement the author of which aims at or obviously assumes provoking certain actions;
- e) Defamation – a statement containing an essentially substantially false fact(s) causing damage to a person or his reputation;
- f) Obscenity – a statement, which does not have a political, cultural, educational or scientific value, harshly violating universally recognized ethical norms of society;
- g) Public interest – the interest within society (and not a simple curiosity of individuals) to the events related to the exercise of public self-government in a democratic state;
- h) Administrative agency – an agency, institution or a person specified in Article 2, Paragraph 1, Sub-paragraph "a" of the General Administrative Code of Georgia, except for the Public Service Broadcasting;
- i) Public figure – an official specified in Article 2 of the "Law of Georgia on Conflict of Interests and Corruption in public service"; a person whose decision or opinion has a substantial influence over public life; a person attracting public attention in relation to certain issues due to his specific actions;
- j) Private person – a natural or legal person that is not a public figure or an administrative agency;
- k) State secret – information, which is considered a state secret by the rule prescribed under the "Law of Georgia on State Secrets" that is subject to State protection;
- l) Commercial secret – information specified in Article 272 by the General Administrative Code of Code; information on an administrative agency is not a commercial secret;
- m) Personal secret – information having personal value that should be protected according to the law as well as the information or facts with respect to which a person has a reasonable expectation of inviolability of private life. Information on an administrative agency shall not be considered a private secret;
- n) Professional secret – secrecy of confession, information confided to a Parliament member, a doctor, a journalist, a public defender, a lawyer in the course of their professional activities as well as information having professional value, which became known to a person on condition of confidentiality in the course of performance of this person's professional duties, the disclosure of which information may cause damage to the professional reputation of the person. Information, which is not a state secret, or another person's private or commercial secret as well as information on an administrative agency shall not be considered a professional secret.
- o) Clear and foreseeable law – a norm worded with due accuracy, which does not have general, ambiguous and unclear provisions, enabling a person regulate his activity and anticipate its legal consequences;
- o) Narrowly tailored law – a norm establishing a direct requirement, specific criteria and an exhaustive list of restrictions, containing guarantees against inexpedient use of this norm;
- p) Legitimate aim – values protected by Article 24, Paragraph 4 and Article 26, Paragraph 3;

- q) Non-discrimination – prohibition of making various decisions in case of identical facts and the commitment of equal treatment;
- r) Restriction critically necessary in a democratic society – a restriction deriving from a legitimate aim, which is intended for protection of the vital and unalterable values for the existence of a democratic society and that can be carried out only when all other reasonable and sufficient steps for achieving the legitimate aim are exhausted.
- s) Proportionality of a restriction – a restriction pursuant to a legitimate aim and critical necessity, which is the most effective and the least restrictive means for achieving the legitimate aim. Application of stricter norms shall take place only when otherwise it is impossible to achieve a legitimate aim and meet the requirements of the pressing need;
- t) Absolute privilege – complete and unconditional release of a person from the liability envisaged by law;
- u) Qualified privilege – partial or conditional release of a person from the responsibility liability envisaged by law. A person may lose the privilege under a reasoned, justified decision of the court due to a culpable conduct.
- v) Media – printing or electronic means of mass communication, including the Internet.

#### Article 2. Interpretation of the Law

The interpretation of this Law shall be made in accordance with the Constitution of Georgia, the international commitments undertaken by Georgia, including the European Convention on Human Rights and Freedoms and case law of the European Court of Human Rights.

#### Article 3. Freedom of speech and expression

1. The State recognizes and protects the freedom of expression as an inherent and supreme human value. In the course of discharge of the authority, people and the State are bound by these rights and freedoms, as by directly applicable law.

2. Everyone, except for administrative agencies, enjoys the right to freedom of expression that implies the following:

- a) Absolute freedom of opinion;
- b) Freedom of political speech and debates;
- c) Obtaining, receipt, creation, keeping, processing and dissemination of any kind of information and ideas;
- d) Prohibition of censorship, editorial independence and pluralism of the media, the right of a journalist to keep confidential the source of information and make editorial decisions based on his own conscience;
- e) Academic freedom of learning, teaching and research;
- f) Freedom of art, mastery and inventions;
- g) The right to speak any language, use any alphabet;
- h) The right to charity;
- i) The right to whistleblow and protection of the whistleblowers;
- j) freedom from coercion, freedom to express opinions on religion, belief, conscience, ethnical, cultural and social belonging, origin, family, property and social position as well as all the facts that may become a ground for restriction of his rights and freedoms.

3. This Law does not disregard other rights, freedoms and guarantees provided for by the Constitution of Georgia and other universally recognized rights, freedoms and guarantees related to the freedom of expression, which are not reflected herein but naturally derive from the universally recognized rights and freedoms.

#### Article 4. Freedom of thought and appeal

1. The freedom of thought shall be protected as an absolute privilege.
2. Advocacy shall be protected by a qualified privilege. An incitement shall cause liability envisaged by law only when a person commits an intentional action that creates direct and substantial danger of an illegal consequence.

#### Article 5. Freedom of political and court speech

1. A statement shall not cause liability for defamation if it is made: a) during political debates as well as with respect to performance of the official duties by a member of the Parliament or a local assembly; b) at a pretrial or court hearing, before a public defender, at a meeting of the Parliament or a local assembly, as well as their committees within official authority of a person; c) upon the request of an authorized body.
2. In case of filing a suit on defamation, the court shall verify the facts specified in the first paragraph of this Article at the preparatory meeting held with the participation of the parties. In case of confirmation of such facts, the court shall make a ruling provided for by Articles 209 and 273 of the Civil Procedures Code of Georgia that does not cause the consequences specified in Article 18 of this Law.

#### Article 6. Court guarantees

1. A person shall be authorized to apply to court with a request to avoid or eradicate consequences of violation of the rights guaranteed and protected by this Law as well as a request to restore the right violated as a result of interference.
2. In case of a court dispute related to defamation published by a journalist in the media, the defendant shall be the owner of the media.
3. The subject of a court dispute on defamation cannot be a statement, which is related to an indefinite group of persons and/or in which the claimant is not unambiguously identified.
4. A court dispute on defamation cannot be initiated on the private non-property rights of a deceased person, protection of state or administrative bodies.
5. During a court dispute on defamation an improper defendant is a person who is not the author of the statement or the editor or a person who technically ensured dissemination of the statement, except for the case when he clearly and directly supports the statement.
6. During a court dispute on defamation, the court shall take measures for settlement of the dispute between the parties. It is authorized to postpone the deliberations of the case and fix a period for a settlement, which should not exceed one month.

#### Article 7. Standard and Burden of proof

1. Any restrictions of the rights guaranteed and protected by this law shall be based on incontrovertible evidence.
2. In case of restriction of the rights guaranteed and protected by this law, any doubt, which is not proved according to the rule prescribed by law, shall be decided against the restriction of these rights.
3. Any reasonable doubt which is not proved according the rule prescribed by law during dispute about assignment of status of private or public person should be interpreted in favor of assignment of a status of the public figure.
4. Any reasonable doubt which is not proved according to the rule prescribed by law during dispute about assignment of status of public interest or curiosity, shall be decided in favor of assignment of a status of the public interest.
5. Any reasonable doubt which is not proved according to the rule prescribed by law during dispute about assignment of status opinion or fact to a statement should be interpreted in favor of assignment of status of opinion.

6. The burden of proof of restriction of the freedom of expression lies upon the initiator of the restriction. Any doubt, which is not proved according to the rule prescribed by law, shall be decided against the restriction of the freedom of expression.

7. The refusal of the respondent on the case of restriction of the freedom of expression to disclose a professional secret or the source cannot be the only ground for making a decision against the respondent.

## Chapter II. Grounds and Rules for Restriction

### Article 8. Grounds for restriction of the freedom of speech and expression

1. Any restriction of the rights recognized and protected by this Law can be established only if it is introduced by a clear and foreseeable, narrowly tailored law, and good protected by the restriction exceeds the damage caused by the restriction.

2. Restrictions recognized and protected by this Law shall be: a) directly intended for fulfillment of a legitimate aim; b) Critically necessary in a democratic society; c) Non-discriminatory; d) Proportionally restricted.

### Article 9. Content regulation

1. Content regulation of the freedom of speech and expression can be established by law if it is related to: a) Defamation; b) Obscenity; c) Fighting words; d) Incitement to commit an offence; e) Threat;

f) State, commercial, private or professional secret; g) Advertising, TV-shopping or sponsorship; h) Freedom of speech and expression of military serviceman, an administrative agency and its official, member or employee. i) Freedom of speech and expression of a detained person or a person with restricted liberty; j) Freedom of speech by a person without or limited legal capacity.

2. Content-based regulation can be only carried out through viewpoint-neutral, non-discriminatory regulations.

### Article 10. Content-neutral regulation

1. In case of a content-neutral regulation, restriction of the object of expression shall be inadmissible.

2. Content-neutral regulation can only provide for a non-discriminatory restriction of the place, time and form, which does not affect the content of the information or ideas or the expressive effect or leaves a possibility of their expression through different means.

## Chapter III. Protection of Confidentiality

### Article 11. Protection of a professional secret and its source

1. The source of a professional secret shall be protected by an absolute privilege and no one shall be entitled to demand the disclosure of this source. In case of a court dispute on restriction of the freedom of speech, the respondent shall not be imposed the obligation of disclosure of a confidential source of information.

2. Disclosure of confidential information without consent of its owner or a reasoned court decision in cases prescribed by law shall be inadmissible.

3. The Court shall be authorized to make a ruling on securing evidences only with respect to disclosure of the part of information of which the necessity of the disclosure has been proved.

4. Confidential information received through disclosure can be used only for the purpose for which it was disclosed.

### Article 12. Liability for disclosure of a secret

1. A person shall be liable only for disclosure of a secret, which should be protected by him due to his official position or under a civil contract, and a disclosure of which creates direct and substantial danger to the values protected by law.
2. A person shall be relieved of liability if the purpose of disclosure of a secret was protection of the lawful interests of the society, and if the good protected exceeds the damage caused.
3. The freedom of expression shall not be restricted by reason of inviolability of private life and protection of a personal secret with respect to an event that should be known to a person for the exercise of public self-government in a democratic society.
4. A person is entitled to demand compensation of property and non-property (moral) damage for the violation of the rights provided for in Paragraphs 1 and 2 of this Article.

#### Chapter IV. Defamation

##### Article 13. Defamation against a private person

A person shall be imposed civil liability for defamation against a private person if the claimant proves in court that the statement of the respondent contains essentially false facts directly related to the claimant, and this statement caused damage to the latter.

##### Article 14. Defamation against a public figure

A person shall be imposed civil liability for defamation against a public person if the claimant proves in court that the statement of the respondent contains essentially wrong facts related directly to the claimant, this statement caused damage to the latter, and which was made with advance knowledge of falsity, or the respondent acted with reckless disregard that caused dissemination of the information containing essentially false fact.

##### Article 15. Qualified privilege for defamation

A person shall have a qualified privilege for a statement containing essentially false fact if: a) He has taken reasonable steps to verify the accuracy of the fact, but failed to avoid a mistake and took efficient measures for the restoration of the reputation damaged due to defamation; b) The purpose of his action was protection of the legitimate interests of the society, and the good protected exceed the damage caused; c) He made a statement with the claimant's consent; d) His statement was a corresponding reply to a statement made by the respondent against him; e) His statement was a fair and accurate reporting related to an event of public interest.

##### Article 16. Limits of liability for defamation

A person shall not be imposed a liability if he did not and could not know that he disseminated defamation.

##### Article 17. Compensation of damage caused by defamation

1. A respondent can be imposed obligation of publication of information on the court decision, according to the rule prescribed by the court
2. It shall inadmissible to compel a person to apologize.
3. If a person makes a correction or denial within the term established by law, however, correction and denial is not sufficient for the proper compensation of the damage caused to the claimant, the respondent may be imposed compensation of property or/and non-property (moral) damage.

##### Article 18. Ill-founded claim of defamation

In case of filing a clearly ill-founded suit on defamation for the purpose of unlawful restriction of freedom of speech and expression, the respondent shall be entitled to claim from the respondent pecuniary compensation within the reasonable limits.

##### Article 19. Time Limitation for filing a suit

A suit on defamation shall be filed with the court within 100 days after the person became acquainted or could become acquainted with the statement.

#### Chapter V. Conclusive Provisions

##### Article 20. Invalidated act

From the moment of enactment of this Law, the "Law of Georgia on Press and other Mass Media Means" shall be invalidated.

##### Article 21. Enactment of the Law

This Law enters into force from the moment of its promulgation.

The President of Georgia, M. Saakashvili

Tbilisi, 24 May, 2004

#### Annex 5: Georgian Charter of Journalistic Ethics (unofficial translation)

Preamble: Freedom of speech and freedom of expression are one of the basic human rights. Any right and obligation of a professional journalist arises from the right of a society to be informed on events and opinions.

The Charter is based on Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and on the Declaration of Principles on the Conduct of Journalists of the International Federation of Journalists. These principles became the professional standards of conduct for those journalists who obtain, transmit and disseminate information and comment on current events.

We, representatives of the Georgian media accept responsibility to follow the principles below. ... Professional questions are considered to be the sole competence of our colleagues, and we reject any interference in the exercise of this competence by the Government or by other powers.

1. Journalists should respect the right of society to receive fair and exact information.
2. Journalists may not be forced to act against their beliefs or express viewpoints against their consciences in their professional work.
3. Journalists should publish information based on facts, whose source is proven. Journalists should not hide important facts, nor falsify documents or information.
4. Journalists should use only honest and fair methods to get information, photos and documents.
5. Media must correct wrong or misleading reports that they have published.
6. Journalists have a moral responsibility not to reveal their confidential sources of information.
7. Journalists should be aware that encouraging discrimination through media may harm society. For that reason, journalists must do their best to avoid discrimination against anyone based on race, gender, sexual orientation, language, religion, political or other opinions, and ethnic or social origin.
8. Journalists must defend children's rights in their professional work. Journalists should give priority to children's interests and should not prepare or publish materials harmful to children.

Journalists should not make interviews or photos of a child under 16 years old without the consent of a parent or a guardian on matters that concern this child or any other child.

9. Editorial materials should be distinctly separated from materials connected to marketing or advertising, as well as from materials financed by a sponsor.

10. Journalists should respect private life and should not breach anyone's privacy, unless there is a special interest for society.

11. Journalists should consider the following to be major professional faults:

- Deliberate distortion of content;
- Receiving any form of bribe, gift or profit that may influence their professional work;
- Plagiarism.