



Justice for Journalists
Foundation for International
Investigations of Crime against Media

16 May 2022

**Stakeholder Submission
to the UN Human Rights Committee Review of Georgia
(135th Session, 27 June 2022 - 29 July 2022)**

Justice for Journalists Foundation and Oleg Panfilov are pleased to offer this submission to the Human Rights Committee ahead of the consideration of Georgia's report at its 135th Session.

Justice for Journalists Foundation (JFJ) is a London-based charity whose mission is to fight impunity for attacks against media. JFJ monitors attacks against media workers¹ and funds journalistic investigations into violence and abuse against media workers worldwide. The monitoring of attacks in Georgia is based on content analysis of open sources in Georgian, English, and Russian. In addition, expert interviews with media workers are used to monitor cases that have not been publicly reported. All information is verified using at least three independent sources.

Oleg Panfilov is a Georgian journalist, commentator, and author of over 50 books and over a hundred TV programmes about Georgia. He has won various international prizes and is a Cavalier of Georgia's Order of Honour. In the 1990s, he headed the Moscow bureau of the Committee to Protect Journalists and was in charge of the monitoring service of the Glasnost Defence Foundation. In the 2000s, he set up and managed the Centre for Journalism in Extreme Situations.

The focus of this submission is the **situation of media workers and media outlets since the consideration of Georgia's fourth periodic report in July 2014** and Georgia's compliance with its obligations enshrined in **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**.

We refer to Georgia's fifth periodic report (CCPR/C/GEO/5, Paragraphs 266-271), list of issues (CCPR/C/GEO/Q/5, Paragraph 21), and Georgia's replies to the list of issues (CCPR/C/GEO/RQ/5, Paragraphs 56, 145-151, and 154).

Section I contains brief information about the environment and the main risks for media workers and media outlets. For additional details and examples, please see reports on JFJ's website.² Sections II-III outline relevant Concluding Observations of the Human

¹ In this submission, the term "media workers" refers to journalists, camerapersons, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists.

² <https://jfi.fund/report-2020-3/#geo>, <https://jfi.fund/attacks-on-journalists-bloggers-and-media-workers-in-armenia-georgia-and-moldova-2017-2019/#georgia>

Rights Committee and Universal Periodic Review (UPR) recommendations. Finally, in Section IV, we propose key recommendations.

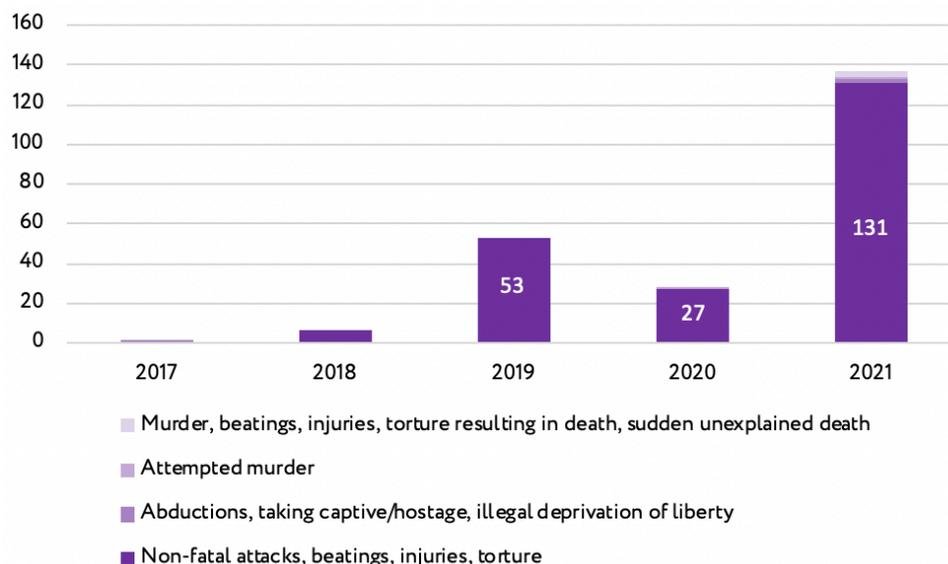
I. Situation of media workers and media outlets (Article 19)

Since consideration of Georgia’s previous periodic report in 2014, the environment for journalism has deteriorated offline and improved online. The country has lost five positions in Reporters Without Borders’ World Press Freedom Index and currently ranks 89 out of 180 countries (“problematic situation”), despite significant improvements in 2015-2021.³ Freedom House’s Internet Freedom Score for Georgia has slightly improved, from 75 (“free”) in 2016, when it was first measured, to 77 (“free”) in 2021, despite some fluctuations in between.⁴

In 2017-2021, Justice for Journalists Foundation documented 554 cases of pressure on media workers and media outlets. 227 of them were physical attacks and threats, 216 – non-physical attacks and threats online and offline, and in 111 instances, judicial and economic means were used to exert pressure. In a significant number of cases (about 56 %), the perpetrators were representatives of the authorities.

The graphs below illustrate the distribution of cases over the years and the most widely used types of pressure within each category:

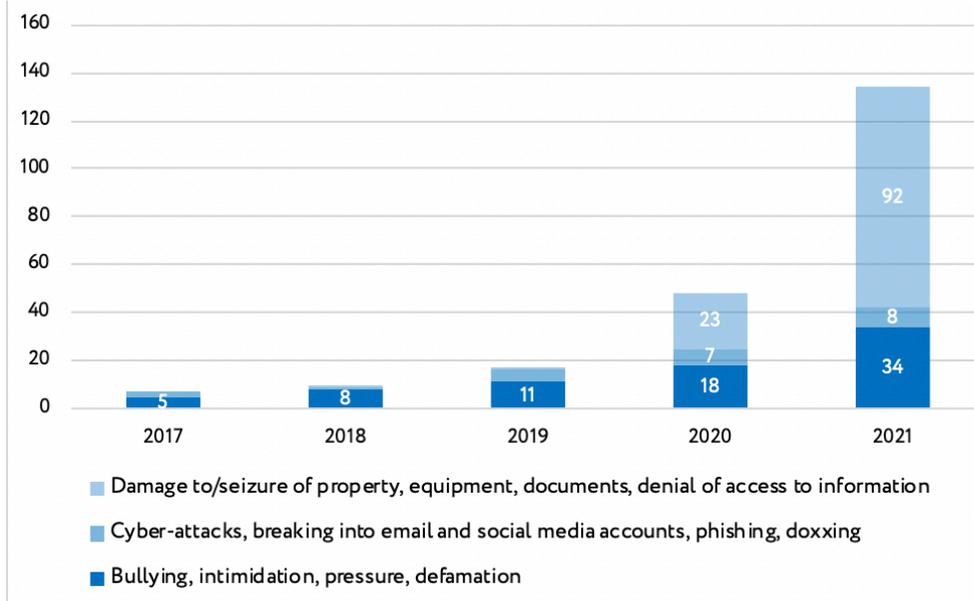
a) Physical attacks and threats



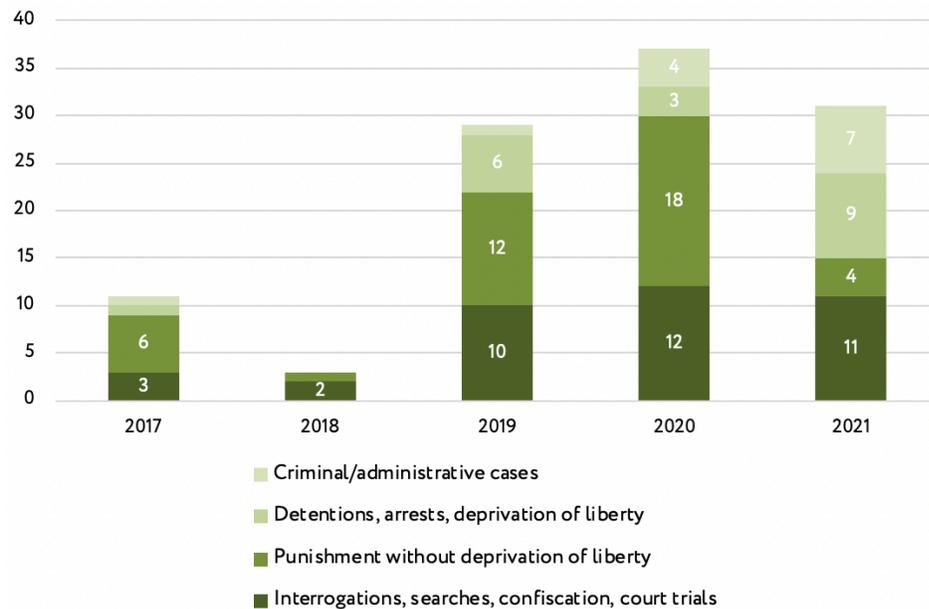
³ <https://rsf.org/en/country/georgia>

⁴ <https://freedomhouse.org/country/georgia/freedom-net/2016>, <https://freedomhouse.org/country/georgia/freedom-net/2021>

b) Non-physical attacks and threats online and offline



c) Use of judicial and economic measures



In total, since 2017, the number of different types of pressure has increased by over nine times.

Some of the significant recent developments included:

1) Politically-motivated persecution of media workers

During the analysed period, the authorities' increased pressure on the media was largely due to their desire to suppress the growing opposition sentiments in society.

Since the 2016 parliamentary elections, the opposition TV channel Rustavi 2 has repeatedly criticised the authorities by covering the resurgence of corruption, cronyism, the rise in crime rates, and the persecution of political opposition. In 2017-2019, in the run-up to the next parliamentary elections, the authorities launched several physical and legal attacks on Rustavi 2. As a result, they achieved the change of the channel's ownership and its reorientation from critical to neutral coverage of their policies. Other popular TV channels were also harassed, particularly Pirveli TV and Adjara Autonomy Public Broadcaster (Adjara TV), where the authorities succeeded in changing the management.

In 2019-2020, the main targets of pressure emanating from the authorities (particularly through administrative, financial, judicial, and law enforcement measures) were employees of Adjara TV who spoke against the pro-government policies of the channel, and opposition TV channels Formula, Pirveli, and Mtavari Arhi (created by journalists who had left Rustavi 2 after the change of ownership).

In 2019, Nika Gvaramia, the current director of Mtavari Arhi, was charged with embezzlement and several other crimes related to his decisions while being the director of Rustavi 2. The criminal charges against him appeared unsubstantiated.⁵ However, on 16 May 2022, the Tbilisi City Court convicted him to three-and-a-half-year imprisonment.

In 2020, Giorgi Rurua, the shareholder of Mtavari Arhi, was sentenced to four-year imprisonment for the unlawful acquisition, possession, and carrying of firearms, the charges he and his supporters considered politically motivated. In 2021, the President pardoned him.

Moreover, the authorities have intensified their crackdown on opposition media through the Georgian National Communications Commission, which imposes fines for politically motivated reasons.

2) Physical attacks

Compared to other countries in the region, Georgia remains generally safe for media workers and has become a hub for journalists escaping persecution in their home countries.

However, three media workers have recently died in circumstances that could be related to their professional activity:

⁵ <https://www.ombudsman.ge/eng/akhali-ambebi/sasamartlos-megobris-mosazreba-nika-gvaramis-braldebis-sakmeze;>
<https://transparency.ge/en/post/analysis-criminal-case-prosecution-nika-gvaramia>

- On 11 July 2021, the dead body of Aleksandre Lashkarava, a Pirveli TV cameraman previously attacked by a right-wing group during the anti-LGBT protest, was found at his home in Tbilisi;
- On 30 July 2021, Azerbaijani oppositional blogger Huseyn Bakixanov reportedly jumped from the seventh floor of the Rooms Hotel in Tbilisi after having been allegedly incited to suicide;
- On 16 September 2021, Nika Kvaratskhelia, a blogger and founder of Georgian social media platform Feedc, died in hospital from a gunshot wound.

The police have started an investigation into all three cases.

Also, between 2017 and 2021, at least 227 physical attacks against media workers took place. Most of them happened in 2021 during the Tbilisi Pride of 5 July and the Georgian local elections of 2 and 30 October.

Two notable cases of violence from the police and other state officials were connected with the protest dispersals:

- The night of 20-21 June 2019, police used tear gas and rubber bullets during the dispersal of a protest in front of the Parliament, sparked by the speech of a Russian Federation MP in the seat of Georgia's Parliament speaker. As a result, at least 39 media workers were injured.
- The night of 8-9 November 2020, police used excessive force, water cannons, and tear gas against people protesting against the results of the parliamentary election in front of the Central Election Commission. As a result, at least six journalists were injured, and their equipment was damaged.

Journalists in Georgia do not use special press vests or other identifying insignia, but it is possible that police officers used force deliberately to intimidate them. The cases have not been effectively investigated.

Another noteworthy case was the abduction of independent Azerbaijani journalist Afgan Mukhtarli on 29 May 2017. Both Azerbaijani and Georgian security services were reportedly involved in his abduction.

In some cases, non-state actors also physically attack media workers. These include security guards of private businesses, pro-government activists, and priests. They are often favoured by the authorities and are ideologically and financially linked to them, as well as to the reactionary part of the Georgian Orthodox Church.

Examples include an attack on Rustavi 2 director Nika Gvaramia and other journalists during the siege of the channel in January 2017, attacks on media workers during the Tbilisi Pride of 5 July 2021 and the Georgian local elections of 2 and 30 October 2021.

The authorities have started investigating a small part of July 2021 attacks after international organisations expressed their concerns, however most of the attacks have not been effectively investigated.

In general, criminal cases regarding violence against journalists result in the imposition of fines or minor prison terms on the perpetrators, which appears inadequate to prevent further crimes. The authorities are particularly reluctant to punish the priests. One of the reasons is that the church in Georgia is closely linked to the state and financed from the state budget.

In 2020, the number of physical attacks declined due to the international attention to Georgia, including from the international human rights organisations. However, it was replaced by the rise of non-physical attacks and threats online and offline. In 2021, 137 such cases were documented, which is almost eight times more than in 2019. They included damage and seizure of property, vehicles, equipment, documents, journalistic materials, and print media circulation.

3) Judicial and economic measures

During the 2004-2012 reforms, Georgian legislation was generally aligned with the international human rights standards.

However, the number of cases of pressure on media workers through legal means has increased over the past few years.

In addition to the criminal cases mentioned in the section on politically-motivated persecution and related proceedings, a widespread tool for putting pressure on journalists was their dismissal and forcing them to leave the profession. The authorities used it, for example, to change the editorial board of Rustavi 2 and the management of Adjara TV. In 2020, all 12 dismissals were related to Adjara TV after the journalists expressed their discontent with channel management's censorship and pro-government information policy. In 2021, there were three dismissals for varying reasons (refusal to get vaccinated, political reasons, and in one case the reason is unclear).

In 2019-2021, the authorities' actions against the media typically included several pressure mechanisms, such as litigation, fines, and unofficial editorial censorship for media outlets dependent on the state budget.

As a result of the judicial and economic pressure, self-censorship by media workers in both state and opposition media is becoming a real problem for quality journalism and media freedom in Georgia.

4) COVID-19 restrictions

In 2020, Georgia introduced restrictions on the right to freedom of assembly, freedom of information, and freedom of movement and established rules of isolation and quarantine to counter the spread of COVID-19.⁶

These restrictions have resulted in additional pressure on Georgian media workers. In 2020, at least eight instances of pressure due the COVID-19 pandemic were documented. Two of them were non-physical attacks and threats online and offline (prohibition to attend a parliamentary session and insults for questions posed by journalists), two were physical attacks and threats (both – attempts to prevent coverage of the authorities' and church's response to the pandemic), and four – the use of legal proceedings against media workers for their news coverage, social media posts, and comments.

In 2021, two relevant instances were documented: one non-physical (non-admission of the media worked to the parliament) and one legal (dismissal from the job for the refusal to get vaccinated).

II. Relevant Concluding Observations of the Human Rights Committee

In its 2014 Concluding Observations (CCPR/C/GEO/CO/4), the Human Rights Committee expressed concern that the investigations into the violent dispersal of peaceful demonstrations on 7 November 2007, 15 June 2009, and 3 January 2011 and the incidents in Mereti (26 June 2012) and Karaleti (12 July 2012), during which journalists were physically and verbally assaulted, were still pending (Paragraph 12).

In this connection, the Committee recommended that Georgia should “pursue its plans to establish an independent and impartial body to investigate allegations of abuse by police and other law enforcement officers, including torture and inhuman or degrading treatment,” “complete investigations into such cases without any undue delay, prosecute perpetrators and, if they are convicted, impose sanctions commensurate with the gravity of their acts, and provide victims with effective remedies” (Ibid.).

III. Relevant UPR Recommendations

Recommendations made during the third cycle of the UPR of Georgia in January 2021 included the following:

- 148.102 Ensure prompt and impartial investigations into all incidents of excessive use of force by law enforcement authorities against protesters and journalists (Austria) (Supported; A/HRC/47/15/Add.1);

⁶ <https://www.icnl.org/covid19tracker/?location=45&issue=&date=&type=>

- 148.120 Continue efforts to ensure freedom of the media on the basis of international standards (Uzbekistan) (Supported; A/HRC/47/15/Add.1);
- 148.121 Promote editorial independence in major print and online publications (Australia) (Supported; A/HRC/47/15/Add.1);
- 148.122 Ensure effective and efficient investigations, prosecutions, sanctions and remedies in relation to all attacks against journalists or media workers as well as in relation to the excessive use of force by law enforcement agencies (Belgium) (Supported; A/HRC/47/15/Add.1);
- 148.123 Ensure full enjoyment of freedom of expression and media pluralism, including full independence of public broadcasting, for example by developing specific regulations and by-laws to avoid the restriction of broadcasters' editorial independence; further strengthen guarantees of access to information (Czechia) (Supported; A/HRC/47/15/Add.1);
- 148.124 Ensure that journalists and media workers can exercise their profession in a free and secure environment (Ecuador) (Supported; A/HRC/47/15/Add.1);
- 148.125 Guarantee media freedom and media pluralism (France) (Supported; A/HRC/47/15/Add.1);
- 148.126 Protect and uphold freedom of expression and peaceful assembly, including by respecting and supporting free and independent media, in line with international human rights standards (Iceland) (Supported; A/HRC/47/15/Add.1); and
- 148.127 Take the necessary steps to allow journalists and media professionals to work in a safe and free environment (Libya) (Supported; A/HRC/47/15/Add.1).

IV. Recommendations

We encourage the Human Rights Committee to urge the government to:

- Acknowledge the contribution of independent media workers and media outlets in Georgia to society;
- Ensure the protection of media workers from any undue pressure related to their journalism and emanating from the representatives of the authorities or any third parties, regardless of the media workers' actual or perceived political views;
- Ensure effective protection of media workers from physical and non-physical attacks while covering public assemblies, and in particular train law enforcement officers to police assemblies in accordance with the international standards;

- Promptly, effectively, independently and impartially investigate all threats, attacks against, and deaths of media workers, bring those responsible to justice, including those with direct and supervisory responsibility, in fair trials and ensure effective remedies to the victims.