

Georgia's Regional Media – Local Watchdogs under Pressure

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Executive Summary

Reports of harassment and intimidation of journalists in the regions have increased significantly in recent weeks, a development that might be connected with the October 2012 parliamentary elections. This trend is highly worrisome and efforts by the government and political actors to ensure a free media environment ahead of the elections should be taken now.

Numerous regional media outlets have had difficulties receiving the same access to events involving high-level government officials as national TV channels and were treated improperly by their security detail. A journalist from Kutaisi says he was beaten twice; another reporter was detained and says he was beaten by police in Tianeti.

The reluctance of law-enforcement and other government bodies to investigate, prosecute and hold individuals accountable who interfere in the work of journalists, intimidate or attack media representatives has resulted in an atmosphere of impunity for attacks against the media.

Cases, such as one recently documented in Kakheti, where citizens were intimidated because they commented on politics to a local media outlet, are likely to have a chilling effect on freedom of speech in these communities.

Relationships between independent local media outlets and local governments are often tense and highly antagonistic. Many local government officials are reluctant to speak to the media and to comment on developments in their community. As a result, journalists often have difficulties in receiving information, the government's view and public records concerning local issues.

Mapping all expenditures from local budgets, this report finds that municipalities and the autonomous republics have earmarked a total of GEL 8.56 million for media activities and subsidies for 2012 – an increase from GEL 7.47 million in 2011.

A number of municipalities operate their own publications. In several cases, TI Georgia found that public funds allocated to such outlets have resulted in a distortion of competition among local media, undermining the sustainability of privately owned publications.

A draft of this report was shared and discussed with Georgia's National Security Council which chairs an inter-agency task force to address problems and coordinates responses among government actors ahead of the October 2012 Parliamentary elections.¹

Recommendations

To the Georgian government

- Law enforcement, the Prosecutor's office and other relevant government bodies should ensure that all incidents of intimidation and attacks against journalists are quickly and

¹ Among other responsibilities, the office of the National Security Council is tasked with coordinating the formulation of a unified, state policy on human rights, minorities, and the rule of law and oversees its implementation. "It also studies and analyzes the state of human rights and freedoms, including the rights of minorities and the rule of law, and proposes recommendations and initiatives for the consideration of the National Security Council and respective state agencies", the NSC says on its website, <http://nsc.gov.ge/eng/>.

effectively investigated and that perpetrators are held accountable for their actions, in line with recommendations made by the Ombudsman;

- Respective government bodies on all levels should ensure easy and equal access for all interested media outlets to events attended by high-level officials and candidates ahead of the October parliamentary elections and communicate any accreditation requirements in a timely manner;
- All political parties should ensure easy and equal access for all interested media outlets to cover campaign events ahead of the October parliamentary elections and communicate any accreditation requirements in a timely manner;
- Law enforcement and military staff should receive training and clear guidelines in how to behave when interacting with journalists and media workers, including in tense situations;
- Government bodies on the regional and local level should ensure easy access for journalists to government buildings and public meetings, including by granting them long-term accreditations to enter relevant government buildings;
- Local and regional government bodies should evaluate if their media spending provides added value, tender contracts with extended deadlines in order to increase competition, and ensure that funds allocated to media outlets do not distort the local competition environment.
- The government, in consultation with the government of Adjara AR, should introduce a proposal to Parliament, outlining how the state-broadcaster Adjara TV could be integrated into the Georgian Public Broadcaster;
- The government should consider offering communications trainings to local officials, encouraging them to communicate directly and more often with local journalists. Trainings in the use of existing government databases might strengthen the capacity of local government staff to respond to freedom of information requests and to process them in a timely manner. Municipalities should have designated spokespeople who are able and allowed to respond to questions by the media in a timely manner;
- Municipalities should consider introducing bulletin boards that are located outside the government building, easily accessible and visible to the general public, where all recent relevant notices and decrees are published and public local government meetings are announced. Municipalities that operate their own websites should post scheduled public meetings and relevant documents online.

To regional media

- Journalists in the regions should consider ways how to avoid unnecessary confrontation and overcome often highly antagonistic relationships with local officials. Media outlets should try new ways of engaging local government representatives and contribute to developing a professional and constructive working relationship with them;
- Reporters should make better use of available electronic public information, allowing them to draft more specific and targeted requests for the release of public information, which might contribute to a quicker processing of these requests and help to reduce the workload of government bodies;
- Reporters should be aware of ethical and professional guidelines, including those provided by the Code of Conduct for Broadcasters and the Charter of Ethics, and act in accordance with professional journalistic principles.

Recent cases of pressure against local media

In recent weeks, the number of reported cases of pressure and intimidation against journalists in the regions has increased significantly. The Georgian Regional Media Association, GYLA and other NGOs have documented a number of worrisome incidents that together paint a picture of a regional media that is under significant pressure and limited in its ability to fully cover political events – only a few months ahead of the October 2012 parliamentary elections.²

Detention and alleged beating of reporter in Tianeti

Gela Mtvlishvili, the head of the online Kakheti and Mtskheta-Mtianeti Information Centers, was detained and says he was beaten by police in Tianeti (Mtskheta-Mtianeti region) on May 20.

Three eye-witnesses told TI Georgia that they saw Mtvlishvili taking pictures of the Tianeti police station.³ A man in civilian clothes standing outside the police station waved at the journalist, indicating that Mtvlishvili should come to him, but the reporter ignored the request and got into his car. The man then approached Mtvlishvili and asked him who he was.⁴ Mtvlishvili identified himself as a journalist but refused to show his ID card and asked the man in civilian clothing to identify himself first. A uniformed police man also approached Mtvlishvili, and the reporter presented the officer several ID documents, according to people who witnessed the scene.⁵

The man in civilian clothing then grabbed the reporter's camera and called over a third policeman in uniform. The three dragged the reporter into the police station, eyewitnesses told TI Georgia.

“It was very humiliating for me”, Mtvlishivli says, who managed to place two calls and alert friends about his situation before his cell phone was taken from him. “I told the police I wanted to call a lawyer to represent me but they would not let me make the call,” Mtvlishivli says. He claims that footage on his camera documenting his detention was deleted.⁶

Inside the police station, he received several kicks into the stomach and a hit to the head by police officers, the journalist says. During his detention, which lasted for about 50 minutes, Mtvlishivili suffered a shock. “I felt weak and asked to see a doctor before leaving the station.” An ambulance was called which brought the reporter to the local hospital.⁷

² This report focuses on challenges regional and local media outlets in Georgia are facing. The report does not seek to cover issues such as capacity and financial sustainability of media outlets. For more information about economic challenges Georgia's media is facing, please see Transparency International Georgia's report: The Georgian Advertising Market (November 2011), <http://transparency.ge/en/advertising>.

³ One of the witnesses is a local representative of the opposition coalition Georgian Dream. Gela Mtvlishvili has worked closely with TI Georgia and has received some financial compensation for research he conducted for this organization.

⁴ Speaking with TI Georgia, one eyewitness alleged that the man in civilian clothing was the deputy head of the Tianeti police station.

⁵ TI Georgia interviews in Tianeti.

⁶ TI Georgia interview with Gela Mtvlishvili.

⁷ TI Georgia interview with Gela Mtvlishvili.

A high-level official of the Ministry of Internal Affairs, Shota Utiashvili, told media.ge that the incident was “a clear provocation” by the journalist and that neither had police beaten him nor had they touched his camera. In a statement on its website, the ministry said: “After Gela Mtvlishvili refused to name himself, he was taken to the building of Tianeti police with the purpose of his identification and was released [a] few minutes later after he was identified by police, however he refused to leave the building after which police officers had to force him to leave the building. During the incident Gela Mtvlishvili was not subject to physical confrontation.”⁸

In its statement, the ministry also said that media representatives are allowed to take pictures of police officers and buildings, but called on media representatives “to act more reasonably.”⁹

Assault of Kutaisi-based journalist

Irakli Vachiberidze, a journalist for the newspaper *P.S.*, says he was beaten up twice within two consecutive days by government security guards.

The reporter attended a speech by President Mikheil Saakashvili in the Kutaisi opera house on May 2 – an event which was recorded by the presidential administration, no journalists were allowed in the room.¹⁰ Vachiberidze says that when he saw how security asked a woman to leave the room because she was apparently not a supporter of the ruling party, he started taking pictures of the scene and guards trying to force the woman out. Then, several security people started to attack him, Vachiberidze says. He was coerced to delete all pictures from his camera, was beaten and was forced out of the building, Vachiberidze claims.¹¹

The next day, Vachiberidze, using a false identity and pretending to be a United National Movement supporter, attended a closed-door speech by Interior Minister Vano Merabishvili to which the media was not allowed. A local government representative recognized him and asked him to leave the room, the reporter says. After being escorted outside, security guards then started beating him and only stopped after he pretended to have asthma, Vachiberidze says.¹²

A representative of the National Security Council said that police offered Vachiberidze to undergo a medical examination in order to establish physical injuries and the reporter refused to do so.¹³ With support of the Georgian Young Lawyers’ Association, he reported the incidents to law-enforcement agencies.¹⁴

⁸ <http://www.media.ge/en/stories/ministryofinternalaffair>.

⁹ <http://police.ge/index.php?m=8&newsid=3306>.

¹⁰ Tamar Kintsurashvili, a representative of the National Security Council told TI Georgia that the President’s press office produced live coverage of this event, which was broadcast via national TV, using its own camera crews. Sometimes, camera crews who work for national TV stations are hired by the administration for such events, according to a National Security Council representative.

¹¹ Vachiberidze was speaking at a public presentation in Tbilisi hosted by the Regional Media Association on May 11, 2012.

¹² http://www.media.ge/en/stories/the_ps_journalist_appeal, the case was also documented by staff of the Regional Media Association, see the document in English and Georgian at: <http://goo.gl/fY13J>.

¹³ TI Georgia interview with Tamar Kintsurashvili of the National Security Council.

¹⁴ TI Georgia interview with Irakli Vachiberidze.

Prevented from covering presidential events

Journalists representing *Akhali Gazeti*, Mega TV, the news agency Pirweli, P.S., Radio Dzvelli Kalaki, and Maestro TV said that they were prevented by security guards from covering President Mikheil Saakashvili's speech in the Kutaisi opera house on May 2, mentioned above, while national TV channels provided live-coverage of the event, using footage provided by the President's administration.¹⁵

President Saakashvili's spokesperson, Natia Bandzeladze, reacting to criticism voiced by reporters, said that journalists who were refused entrance lacked a mandatory press accreditation. Bandzeladze said that any media outlet that wanted to cover presidential events had to undergo an accreditation procedure and would then be able to cover all visits and speeches of the president. Local media outlets have complained that they do not learn about high-level visits to the regions well enough in advance to apply for accreditation.¹⁶

The President's administration has been criticized in an open letter signed by the online Information Centers of Adjara, Kakheti, Mtskheta-Mtianeti, Samegrelo, Shida Kartli and Upper Svanetia in early May, stating that the President's security staff had prevented the Centers' reporters from fully covering Saakashvili's visits to different regions while national TV channels were granted full access.¹⁷

The letter highlighted the case of Iza Salakaia, a reporter of *tspress.ge*, who had her handbag and camera seized by presidential security staff on May 3, when trying to cover a visit of Saakashvili in the city of Poti. Salakaia says she was forced to leave a recently constructed hospital, her bag and camera, with its memory card missing, were thrown into the premises' yard by security officers.¹⁸ A representative of the Government's National Security Council told TI Georgia that Salakaia arrived late to the event and that another reporter for *tspress.ge* who underwent security checks was able to attend the event. Government representatives also highlight that reporters and media workers who lack required ID documents may be prevented to enter locations that were subject to earlier security checks by the President's security.¹⁹

The Information Centers' letter also highlights the case of journalist Natia Danelishvili who was temporarily detained by security staff on September 2, 2011, while trying to cover the President's visit to the village of Gremi in Kvareli.²⁰

In a meeting with representatives of regional media associations, TI Georgia and other media-freedom advocates on June 2, 2012 Irma Nadirashvili, the Deputy Head of the President's Administration, expressed her willingness to improve communication with regional journalists and to re-open the accreditation process for media workers and reporters to cover presidential events. She also stressed that the President's Administration was committed to ensure that all

¹⁵ http://www.media.ge/en/stories/regional_media_talks_abo,
http://www.media.ge/en/stories/president_saakashvili_s, TI Georgia interview with the National Security Council.

¹⁶ <http://www.media.ge/en/stories/presidentspressservicere>.

¹⁷ <http://ick.ge/ka/articles/10807-2012-05-09-08-43-34.html>, <http://www.media.ge/node/47052>.

¹⁸ http://www.media.ge/en/stories/regional_media_talks_abo.

¹⁹ TI Georgia meeting with Tamar Kintsurashvili, National Security Council.

²⁰ <http://ick.ge/ka/articles/10807-2012-05-09-08-43-34.html>, <http://www.media.ge/node/47052>

media outlets would have the same access to information and were able to cover the head of state's public events.²¹

Ombudsman Giorgi Tugushi has called on the government to take relevant measures to secure the safety of journalists.²² On May 4, he asked the Chief Prosecutor “to immediately and effectively investigate every single case in which journalists’ rights have been violated and to ensure that offenders are punished.”²³

Atmosphere of impunity

Freedom of the media is protected by Article 24 of the Georgian Constitution and Article 154 of the Georgian Criminal Code punishes the illegal interference into journalists’ professional activities, including coercing a reporter “into spreading or not spreading information.”²⁴

The Georgian Ombudsman has repeatedly highlighted the importance of media freedom and underlined the state’s responsibility to ensure that any journalist has the possibility to carry out his or her professional duties and is freely able to obtain information.

Investigations of illegal actions of which journalists were victims remain a problem, the Ombudsman’s report for 2011 shows. Investigations were often delayed or stopped altogether because law enforcement did not find criminal wrongdoings. “The adequate and timely reaction to violence against journalists must be one of the priorities for the state,” the report says.²⁵

Mari Otarashvili, a reporter working for the daily *Rezonansi* and the Mtskheta-Mtianeti Information Center, says she was threatened via phone by a senior employee of the company Interplast, Misha B., after she wrote a story about his alleged involvement in the elections of the South Ossetian de-facto authorities.²⁶ An audio recording Otarashvili provided to TI Georgia appears to document this phone call and the intimidation attempt. Interplast is partly owned by Mtskheta-Mtianeti governor Ceasar Chocheli and his brother, Iago Chocheli (66% of shares in Interplast are held by a Panamanian shell company, Limboltone International, S.A.).²⁷

²¹ See also: <http://www.media.ge/en/stories/administrationofpresiden>.

²² <http://ombudsman.ge/index.php?page=1001&lang=0&id=1495>

²³ http://www.media.ge/en/stories/public_defender_releases,
<http://ombudsman.ge/index.php?page=1001&lang=0&id=1495>.

²⁴ Article 24 of the Georgian Constitution: “1. Everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means. 2. Mass media shall be free. The censorship shall be impermissible. 3. Neither the state nor particular individuals shall have the right to monopolise 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 on such conditions which are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for preventing of crime, for the protection of the rights and dignity of others, for prevention of the disclosure of information acknowledged as confidential or for ensuring the independence and impartiality of justice.”

http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf;

Criminal Code of Georgia, <http://legislationline.org/documents/action/popup/id/16049/preview>.

²⁵ Ombudsman’s Annual Report for 2011.

²⁶ TI Georgia interview with Rezo Otarashvili; <http://www.icmm.ge/ka/site/articles/1434>.

²⁷ https://enreg.reestri.gov.ge/main.php?c=mortgage&m=get_output_by_id&scandoc_id=364504&app_id=420727;
<https://www.registro-publico.gob.pa/scripts/nwwisapi.dll/conweb/MESAMENU?TODO=SHOW&ID=549415>.

Otarashvili is the only Georgian reporter able to cover the occupied Akhagori region, controlled by the de-facto government of South Ossetia, as she is registered there. After a public appeal by Otashvili and the Mtskheta-Mtianeti Information Center, government law-enforcement bodies picked up the case and launched an official investigation.²⁸

However, two weeks after the launch of the investigation, Otashvili told TI Georgia that police had not contacted her and that she had not been presented with an opportunity to provide law-enforcers with evidence, in order to have the case transferred to the region's prosecutor's office.

In November 2011, staff of the weekly newspaper *Batumelebi* identified and tracked down a man who allegedly blackmailed the paper's leading investigative reporter in 2009.²⁹ Although the *Batumelebi* staff informed law-enforcement about their findings and led police to the suspect's Tbilisi apartment, no procedures against the suspect were launched, as the Ombudsman's report criticizes.³⁰

Maestro TV anchor Shalva Ramishvili and his crew were stopped and temporarily detained by men in civilian clothes and forced into a car while filming close to a private house of President Mikheil Saakashvili in Kakheti on September 26, 2011. Ramishvili said that the men did not state who they were and temporarily confiscated his crew's equipment, which was later returned with the exception of a memory stick and microphone.³¹ The Ombudsman appealed to law-enforcement and the prosecutor's office to launch an investigation into the case, but never received a response to his request.³²

The editor of the Kakheti Information Center, Gela Mtvlishvili, received an email containing insults and personal threats from a former regional prosecutor in November 2011.³³ Although the Ombudsman requested to be informed about progress in the investigation of the case, he was not provided with any information about steps being taken.³⁴

There are no recently documented cases of journalists, media workers, bloggers or online activists who have been imprisoned for their work in Georgia.³⁵ One prominent Georgian journalist, Vakhtang Komakhidze, sought asylum in Switzerland in 2010, claiming that he had been subject to government pressure and received threats because of his work.³⁶

In its 2012 Press Freedom Index, Reporters Without Borders ranks Georgia 104th out of 179 countries;³⁷ Freedom House classifies the Georgian media as 'partly free.'³⁸ In IREX's Media

²⁸ TI Georgia interview with Mari Otashvili, http://www.media.ge/en/stories/law_enforcement_launches.

²⁹ http://www.media.ge/en/content/the_batumelebi_tracks.

³⁰ Ombudsman's Annual Report for 2011; http://www.media.ge/en/content/the_batumelebi_tracks.

³¹ <http://www.media.ge/en/node/42507>.

³² Ombudsman's Annual Report for 2011.

³³ <http://beyondtbilisi.ge/en/content/ex-prosecutor-threatens-kakheti-information-center-kic-editor-email>; <http://ick.ge/ka/articles/8661-2011-11-07-06-15-41.html>.

³⁴ Ombudsman's Annual Report for 2011.

³⁵ See also: Reporters Sans Frontiers, <http://en.rsf.org/report-georgia,105.html>.

³⁶ http://www.rferl.org/content/Georgian_Journalist_Seeks_Political_Asylum_In_Switzerland/1954505.html

³⁷ <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>.

³⁸ http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf

Sustainability Index, Georgia scores 2.12 in the area of freedom of speech on a scale from 0 (anti-free press) to 4 (sustainable, free press).³⁹

Tensions over filming

Representatives of local media outlets at times resort to activist approaches to receive information, cover a story or collect comments from government employees.

What information is public, and where and under what circumstances journalists have the full right to film are often disputed questions in Georgia. In a number of instances, situations in which reporters were filming in public or in public buildings escalated, as the following examples show:

- Sul Khan Meskhidze, a journalist with the media group Adjara P.S., was filming the eviction of residents, unable to repay their bank loans, from apartment building in Kobuleti, on April 6, 2012. More than a dozen policemen were trying to seal off the area from emotional locals, video footage recorded by the reporter shows.⁴⁰ Then, “one of the policemen attacked me, hit me on my shoulder and interfered with my filming. He dragged me aside and tried to seize the camera,” Meskhidze told media.ge.⁴¹
- Two local journalists working for the newspaper *Khalkhis Gazeti*, Shorena Khabelashvili and Nino Terunashvili, were prevented from recording video footage in the Karaleti settlement for internally displaced persons in December 2011. When filming within the settlement, the reporters were stopped by two men, insulted and told to leave the area, recorded footage shows.⁴² The Shida Kartli Information Center has alleged that the individuals who stopped the reporters are affiliated with Badri Basishvili, the local majoritarian Member of Parliament.⁴³ After *Kalkhis Gazeti* reporter Rezo Nadiradze uploaded the raw footage he recorded in the camp to his Facebook profile in May, he says he received a death threat. “I uploaded the whole story, showing how we went there, and how we were threatened. The next day, I received a phone call from a man who said he will cut my throat when he meets me,” Nadiradze told TI Georgia. Nadiradze says that prosecutors took his testimony but several weeks after that, he is not aware of any follow-up action or progress in the investigation.⁴⁴
- In March 2012, a video reporter of the Shida Kartli Information Center, Tamar Khidasheli, entered a public school in Upper Nikozi in March, filming while approaching the schools director in the staircase. The video shows the reporter trying to hand the director a freedom of information request to release copies of protocols of teacher council meetings, the certification of a teacher who was allegedly fired for political reasons and an evaluation of the teacher by the Ministry of Education. The director refused to accept

³⁹ IREX Media Sustainability Index 2012: Georgia,
http://www.irex.org/system/files/u105/EE_MSI_2012_Georgia.pdf.

⁴⁰ <https://www.youtube.com/watch?v=vxDgr0pHow8>.

⁴¹ http://www.media.ge/en/stories/police_interferes_with_a.

⁴² http://www.media.ge/en/stories/inaccessible_public_info.

⁴³ The reporters posted edited video footage of the incident on youtube,
<http://www.youtube.com/watch?v=iRi5WTzFJVg&list=UUNI86X9LohUlgSPAwigyS-A&index=2&feature=plcp>.

⁴⁴ TI Georgia interview with Rezo Nadiradze.

the letter and the situation escalated, with the video footage indicating that the director pushed the reporter down the stairs and out of the building.⁴⁵

- In another case, video reporters Tamar Kajilashvili and Tamar Khidasheli of the Shida Kartli Information Center were seeking to report the case of another schoolteacher being laid off, allegedly for political reasons. The reporters entered the school and started video interviews with pupils and teachers, asking them whether or not they were ordered to withdraw an appeal that asked the school to rehire the teacher in question. This situation also escalated when the school's guard (*mandaturi*) tried to expel the reporter from the building.⁴⁶
- Filming an ambulance team treating a man who collapsed after police had fined him, Iza Salakaia, a reporter from TS Press, tried to enter the hospital the man was driven to. Patrol police prevented the reporter from entering the hospital without providing a reason. The situation between the reporter and the officers escalated, and as the man was moved from the hospital to a police department, police prevented the reporter from following.⁴⁷ A representative of the National Security Council says that in this case, police advised the journalist to wait until the man was treated. After the fined person was taken outside, police took him to the police station, following standard procedures.⁴⁸
- During the arrest of two individuals suspected of having committed a robbery in Chokhatauri, police prevented *Guria News* reporter Nato Gogelia from filming the arrest. *Guria News* argued that this move was unreasonable and unlawful, stating that police had not sealed off the location and could not provide a legal justification for their move. The reporters also claimed that police was using insulting language when ordering them to leave the location and did not allow filming from further away.⁴⁹
- Bela Zakaidze, a TV reporter working with Studio GNS, and his camera man, Zurab Pataridze, were stopped by guards when filming the local government building in Dusheti on May 11 while standing on the city's main square. The guards, apparently working with the local government body, aggressively engaged the TV crew and threatened that they would be beaten, Studio GNS' video footage shows. When the reporters tried to enter the local government building, guards locked the door and refused to let the journalists enter the administrative building.⁵⁰ On May 21, the Ombudsman demanded an investigation on this incident to be launched.⁵¹
- According to *Guria News*, a local employee of the Ministry of Interior deleted pictures a reporter had taken outside a police station. According to *Guria News*, the official claimed that an order of the Ministry banned recordings of police buildings. In another incident, the same police chief asked reporters Nato Gogelia and Shorenna Glonti not to film a protest against the arrest of photographers in June 2011.⁵² "Why are you filming me,

⁴⁵ <http://qartli.ge/web/3634>.

⁴⁶ <http://www.youtube.com/watch?v=jEg9EUvOn4U&list=UUNI86X9LohUlgsPAwigyS-A&index=18&feature=plcp>.

⁴⁷ <http://www.youtube.com/watch?v=p2PFXYMYlhA>.

⁴⁸ TI Georgia meeting with Tamar Kintsurashvili, National Security Council.

⁴⁹ http://gurianews.com/index.php?option=com_content&view=article&id=1715:2011-12-07-05-45-39&catid=122:news-tv&Itemid=185.

⁵⁰ Video footage of the incident was posted online, <http://www.youtube.com/watch?v=U6YMxzZf6k8>.

⁵¹ <http://www.media.ge/en/stories/publicdefenderconcernedw>.

⁵² For more details on the arrest of photographers who were charged with espionage, see: <http://civil.ge/eng/article.php?id=23786>.

better film those who betrayed their motherland,” Giga J., chief of the Guria regional police, told the reporters.⁵³

- Defense Ministry officials held a meeting with residents of Zugdidi in December 2011. Two journalists of the online publication Livepress.ge were not allowed to attend the event. When the reporters filmed locals leaving the meeting, a defense ministry escort stopped close to them and a man in civilian clothing, who introduced himself as an officer, told the journalists that their recording was against national interest and that they did not have the right to film. The officer took the camera of reporter Tamar Zamtaraia and deleted footage the reporters had recorded. A Ministry of Defense spokesperson told media.ge that only scenes that showed the officer were deleted, the reporters claim they had not filmed the officer in question and had only taken shots of the local population.⁵⁴

Government representative stress that for filming and recording on the premises of a school, journalists should obtain permission from the school’s administration.⁵⁵

The Code of Conduct for Broadcasters, which only applies to journalists working for a radio or TV station holding a broadcasting license, provides some guidelines for reporting. Article 35 of the Code, that was drafted by the Georgian National Communications Commission, states that “When filming or recording in public or private institution, permission shall be obtained from the relevant authority, unless the filming or recording without permission is justified in the public interest.” The Code also stresses that door-stepping is only justified in cases where there is good reason to assume that an investigation is not possible if the subject is approached openly, highlighting that “Consent shall be obtained for filming or recording in such places as schools, hospitals, prisons, police stations or ambulances, permission must be obtained from the relevant authority and any person being filmed unless not obtaining consent is justified in the public interest.”⁵⁶

Journalists working for print media and online outlets that also use video recording devices in their work are not subject to the Code, and many reporters may not be aware of its provisions or perceive that difficulties in obtaining information from local officials and high public interest justify their reporting methods.

Afraid of talking to the media

In Kakheti and Mtskheta-Mtianeti, TI Georgia found cases where locals have faced pressure after cooperating with critical media outlets or providing statements on sensitive political issues to reporters. These incidents are concerning because in small communities they are likely to result in a chilling effect, with locals refraining from engaging or cooperating with journalists.

⁵³ http://gurianews.com/index.php?option=com_content&view=article&id=1539:2011-12-07-05-55-06&catid=122:news-tv&Itemid=185,

http://gurianews.com/index.php?option=com_content&view=article&id=2811:qq-&catid=122:news-tv&Itemid=185.

⁵⁴ http://www.media.ge/en/content/defense_ministry.

⁵⁵ TI Georgia meeting with Tamar Kintsurashvili, National Security Council.

⁵⁶ Georgian National Communications Commission Resolution No 2, On the Approval of Code of Conduct for Broadcasters, March 12, 2009, http://www.gncc.ge/files/7200_7176_124355_Codex88504_1_ENG.pdf.

In April, the online Kakheti Information Center interviewed residents in the village of Akhmeta, asking whether billionaire opposition leader Bidzina Ivanishvili should have his Georgian citizenship restored. Several respondents who said they were in favor of Ivanishvili regaining citizenship were later advised, apparently by individuals linked to the local government, to refrain from commenting on politics in public (this advice was communicated via phone and/or through friends and relatives). TI Georgia was able to confirm this incident with several of the people who gave a video interview to the Information Center. Other respondents refused to talk about the issue with TI Georgia, showing signs of fear.⁵⁷

In the municipality of Dusheti, local journalists working with the Mtskheta-Mtianeti Information Center, established in mid-2011, have faced a major pushback from local government officials. From the beginning, staff working at this local online outlet were intimidated by local officials on several occasions.

The Center's landlady faced pressure to cancel the rent agreement with threats directed against her family members, according to the Center's staff. Similarly, several drivers the Center tried to hire quit their jobs after a few days, allegedly because their family members had also been intimidated and been told that they might lose their public sector jobs or face problems with their businesses if their relative continued to work with the reporters, the outlet's staff told TI Georgia.⁵⁸ The Center's reporters were hired from outside the region, in order to make staff less vulnerable to pressure and attempts of intimidation.

The reporters in Dusheti – Manana Vardiashvili, Ketii Kashiashvili and Gela Mtivlishvili – continue to operate in a largely hostile environment. Locals are reluctant to talk or be seen with reporters after two local government employees were allegedly asked to resign from their positions after they had talked to journalists, according to the Center's staff. Another local resident was allegedly fired from his job at a local company after telling reporters that he had not been paid in months.

Giorgi Aladashvili of the Kakheti-based Radio Hereti told TI Georgia that his team has had difficulties in collecting comments from citizens – so called vox pops – because locals in villages such as Jugaani (municipality of Telavi) were afraid that they might face persecution from individuals associated with the local government for speaking on the record, worrying that their social assistance might be suspended or that relatives could lose their public sector jobs.⁵⁹

Access to public information and local officials

On the local and regional level, public information is often difficult to obtain for media outlets. In many municipalities and from a number of different outlets, TI Georgia has heard largely similar stories about local officials only rarely hosting press conferences or giving interviews. Thus, reporters have few opportunities to ask questions and to get first-hand information about developments in the community they are trying to report on.

⁵⁷ TI Georgia interviews in Kakheti.

⁵⁸ TI Georgia interview with staff of the Mtskheta-Mtianeti Information Center, August 2011.

⁵⁹ TI Georgia interview with Giorgi Aladashvili.

Since March, several local governmental bodies have introduced rules that require all visitors to government buildings, including journalists, to acquire entry passes. This development has been observed in several municipalities where strong, independent media outlets are covering local developments, including in Guria and Kharagauli. Reporters say that these new registration requirements have made it significantly more difficult for them to access local officials and attend public meetings, as it is not always possible to acquire passes on short notice.

In several municipalities, the dates of local government meetings, which are supposed to be open to the public, are not publicly announced with reasonable advance notice. This makes it difficult, and in some cases impossible, for local media to attend and cover these sessions.

When local governments refrain from providing data and comments to the media in informal settings, reporters use written freedom of information (FOI) requests as a tool of last resort to acquire the information in which they are interested.⁶⁰ However, not being able to receive a comment from the local government in a timely manner often kills the stories journalists are working on or results in speculative reporting, as rumors cannot be confirmed with the local administration.

“Getting access to information from public bodies is a problem,” says Rezo Okruashvili, the editor of the Gori-based newspaper *Khalkhis Gazeti*. In his opinion, local government public relations officers are not doing a good job in facilitating communication between his media outlet and local officials. “It is always the same: when we are trying to ask a few questions to the head of the city council about local budget expenditures during a public event, we are told to write an official request for an interview and provide the questions that we were going to ask in advance”, Okruashvili says.⁶¹ Journalists from Guria, Shida Kartli, Kaheti and Samegrelo tell similar stories about local officials that often seek to avoid direct contact with local media.

Saba Tsitsikashvili, the editor of *qartli.ge*, told TI Georgia that his reporters at times have difficulties receiving relevant public information. In November 2011, his team tried to investigate how project funds allocated by the Ministry of Economy and Sustainable Development to improve the local irrigation system were used and what impact the project had, Tsitsikashvili says. The effort stalled after Mtkvari M., a fully government-owned company that manages irrigation systems across the country, refused to provide any information requested by the reporters.⁶²

Detailed spending on office expenses, fuel consumption and other budgetary expenses requested from the municipality of Shida Kartli were only given to *Khalkhis Gazeti*, which had requested this information, after the local governor changed temporarily in 2010 and the municipality released more detailed accounts than it had published before. Okruashvili, the newspaper’s editor, describes this particular case as an example highlighting that access to public information largely depends on political will and the personalities in charge of the respective government body.

⁶⁰ The Georgian Administrative Code allows anybody to request the release of public information by submitting a written, signed request to the respective government body which has ten working days to respond to the request.

⁶¹ TI Georgia interview with Rezo Okruashvili.

⁶² TI Georgia interview with Saba Tsitsikashvili.

Giorgi Aladashvili of the Kakheti-based Radio Hereti says that high-level officials of local municipalities regularly refuse to take part in call-in talk shows and instead send low-level representatives who cannot speak on political issues and are not able to answer listeners' questions.⁶³ "Local representations of national government institutions are often refusing to provide any information verbally and refer journalists to spokespeople in Tbilisi, which are difficult to reach and often refuse to comment," Aladashvili says.⁶⁴

Many of the FOI requests reporters from local media outlets mentioned to TI Georgia concerned questions on local government decrees, salaries and bonuses of public officials, local budgets, the contracting of companies for the implementation of local projects, including those implemented with the support of international donors, and projects implemented by the Municipal Development Fund. Access to public court documents remains difficult, as courts often refuse to provide requested information, stating that they do not have the capacity to respond.

In the majority of cases, local government agencies do respond to FOI requests. However, they often only do so with significant delay and after repeated requests from insistent reporters. In many cases, official responses only provide parts of the requested information, and journalists have to follow up with another formal request.

The NGO Institute for the Development of Freedom of Information (IDFI) has tested the responsiveness of government institutions to requests for the release of public information. Its research shows that there are vast differences in regards of openness between local and regional government bodies. IDFI has praised several municipal administrations, including Dmanisi, Chokhatauri, Akhaltsikhe, Martvili, Telavi and the Rustavi city council, as well as the administrations of the regions Samtskhe-Javakheti and Samegrelo-Zemo Svaneti for responding to freedom of information requests in 2011. Institutions that IDFI found to be unresponsive to the public include the municipalities of Vani, Samtredia, Khoni, Tianeti, Tsageri, Chkhorotsku, Aspinda, Borjomi, Ninotsminda, Gardabani, Tetritaro, Kaspi and Kareli, as well as the administration of the Kvemo Kartli region.⁶⁵

In some communities, such as Dusheti and Kharagauli, the reluctance of local government bodies to provide any information about its activities and comment on local developments has contributed to a highly antagonistic relationship between the media and the administration.

In his report to Parliament on the year 2011, the Ombudsman, Girogi Tugushi, highlighted shortcomings in access to public information and he has repeatedly asked Parliament to introduce administrative liability for illegally denying the release of public records.⁶⁶

⁶³ TI Georgia interview with Giorgi Aladashvili, Radio Hereti.

⁶⁴ TI Georgia interview with Giorgi Aladashvili, Radio Hereti.

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<http://www.idfi.ge/?cat=main&topic=222&lang=en&header=Presentation%20of%20the%20Results%20of%20the%20Project%20%E2%80%9CPublic%20Information%20Database%20%E2%80%93%20www.opendata.ge%E2%80%9D>.

⁶⁶ http://www.media.ge/en/stories/public_defender_requests.

In their responses to FOI requests, local government bodies at times state that the requested information is classified or not available and cannot be issued. In their responses, they often fail to point to government online databases where the requested information has already been released. It seems likely that many local government employees are not fully aware of all online resources and the data published there by Georgian government bodies.

Similarly, many reporters might not be fully aware of all databases with public records that are freely accessible online. Available datasets include asset declarations of public officials,⁶⁷ information on legal entities,⁶⁸ the land and property register,⁶⁹ tender announcements and procurement contracts issued after December 2010,⁷⁰ and laws – including many, but not all, decrees issued by local government bodies, which are published in the legal database Matsne. Matsne also includes the budgets of local municipalities.⁷¹

The form and level of detail of local budgets varies from municipality to municipality, thus journalists might still need additional information on the allocation of funds to specific local projects. Better use of available electronic data would allow journalists to request more targeted information which would also help to reduce the workload for government bodies.

Public funds for media activities⁷²

Many local and regional governments allocate significant funds from their budgets to media activities, including financial support for local TV stations, the operation of government-controlled newspapers or funds awarded to privately-owned local publications.

Total spending by regional and local government bodies on media activities in 2012, according to their budgets, is GEL 8.56 million. This is a significant increase compared to spending of GEL 7.47 million in 2011 and GEL 7.83 million in 2010.

The government of the Autonomous Republic of Adjara has by far the largest funding allocated for media operations. The 2012 budget of Adjara provides GEL 6.88 million to two media outlets the regional government owns and operates – the television channel Adjara TV and the daily newspaper *Ajara & Adjaria* (for more detail, please see the section below on the Adjara region). The Tbilisi-backed Abkhaz government-in-exile has GEL 250,000 for media activities for its disposal.

On the local level, Georgian municipalities have allocated a total of GEL 1.43 million for media and PR efforts in their budgets. (2010: GEL 1.24 million, 2011: GEL 1.17 million.)

⁶⁷ <http://www.declarations.ge>.

⁶⁸ https://enreg.reestri.gov.ge/main.php?exit_url=https://public.reestri.gov.ge.

⁶⁹ <http://napr.gov.ge/index.php?m=222>.

⁷⁰ <http://procurement.gov.ge/>. There are some exceptions: Tenders and contracts related to national security, contracts funded from government reserve funds and procurement carried out by selected government-owned companies and entities that have been exempted from the requirement of using electronic procurement is not publicly accessible.

⁷¹ <http://matsnet.gov.ge>.

⁷² A more detailed list of media spending of Georgian municipalities according from 2010 to 2012 budgets, as well as links to all budgets is available online at <http://goo.gl/AjJmc>.

Table: Spending on media and information activities by regional and local government bodies (2010-2011, and spending allocated for 2012, according to local budgets:⁷³

			2010 (GEL 1,000)	2011 (GEL 1,000)	2012 (GEL 1,000)	
Region	Municipality/ Source	Purpose/budget line				
1	Ajarian AR	Ajarian AR	Adjara TV, newspaper <i>Adjara & Adjaria</i>	6,347.60	6,046.10	6,877.80
2	Abkhazia AR	Abkhazia AR	Providing information to citizens of Abkhazia	249.9	250	250
3	Imereti	Kutaisi	Tele-Radio Broadcasting and Publishing activity	78.1	122.2	150
4	Kvemo Kartli	Bolnisi	Broadcasting and publishing activity, <i>Gazeti Bolnisi</i>	221.8	130	136.8
5	Kakheti	Gurjaani	Broadcasting and publishing activity, municipality's newspaper	71.4	93.5	125
6	Imereti	Samtredia	Broadcasting and publishing activity	81.5	81.3	84
7	Shida Kartli	Gori	Non-profit paper <i>Goris Matsne</i> , broadcasting and publishing, Imedi TV show 'Heroes'	72	73	74
8	Imereti	Sachkhere	Broadcasting and publishing activity, funding for LLC <i>Imervizia</i> and the organization Massmedia	67.8	68.2	71
9	Samegrelo da Zemo Svaneti	Zugdidi	Broadcasting and publishing activity	17.8	7.8	65
10	Imereti	Khoni	Broadcasting and publishing activity	38.9	50.5	58
11	Kakheti	Dedoplistskaro	Broadcasting and publishing activity, press service	29.7	29.6	50.9
12	Samegrelo da Zemo Svaneti	Khobi	Newspaper <i>Khobis Moambe</i> , owned by local government	0	40	45.5
13	Samzkhe- Javakheti	Ninotsminda	Broadcasting and publishing activity	38	38	45
14	Imereti	Tkibuli	Broadcasting and publishing activity	39	31.8	40
15	Kvemo Kartli	Marneuli	Broadcasting and publishing activity	40	40	40
16	Imereti	Terjola	Broadcasting and publishing activity	0	39.9	40
17	Imereti	Kharagauli	Broadcasting and publishing activity	28.3	36.4	36
18	Guria	Lanchkhuti	Local government entity responsible for PR and publications	35.3	36.9	35.6
19	Kakheti	Akhmeta	Broadcasting and publishing activity	26.5	30	30
20	Kakheti	Lagodekhi	Broadcasting and publishing activity	48.3	22.4	30

⁷³ All data was taken from the government law database <http://matsne.gov.ge> between March 10 and March 15, 2012. Municipalities that are not listed do not have lines dedicated to media spending in their budgets, but might in some cases spend funds from other budget lines on media and PR efforts. The budget of the Mtskheta municipality was not available in Matsne. For a machine-readable version of this table and links to all local budgets, please see <http://goo.gl/H8p1a>.

21	Samegrelo da Zemo Svaneti	Abasha	Non-profit newspaper <i>Abashis Matsne</i>	17.6	23.2	26.8
22	Samckhe- Javakheti	Aspindza	Municipality's official newspaper <i>Aspindzis Matsne</i>	15	21.3	26
23	Samegrelo da Zemo Svaneti	Martvili	Broadcasting and publishing activity	27.3	11.9	26
24	Kakheti	Sagarejo	Broadcasting and publishing activity	16	21	24.5
25	Racha-L./ Kv. Svaneti	Lentekhi	Broadcasting and publishing activity	17	20.4	20
26	Samzkhe- Javakheti	Borjomi	Information service	18.4	16.2	20
27	Kakheti	Telavi	Broadcasting and publishing activity	18	11	20
28	Guria	Ozurgeti	Media budget	0	20.5	16.5
29	Samckhe- Javakheti	Akhalkalaki	Broadcasting, translation of Channel 1's 'Moambe' news into Armenian	0	0	16
30	Kakheti	Sighnaghi	Broadcasting and publishing activity	19.6	9.5	14.9
31	Mtskheta- Mtianeti	Dusheti	Broadcasting and publishing activity	12	11	12
32	Imereti	Baghdati	Broadcasting and publishing activity	5.8	10	10
33	Racha-L./ Kv. Svaneti	Oni	Broadcasting and publishing activity	16.1	7.3	7
34	Racha-L./ Kv. Svaneti	Ambrolauri	Newspaper publication	7.5	6.9	7
35	Imereti	Tskaltubo	Broadcasting and publishing activity	2.7	5	7
36	Racha-L./ Kv. Svaneti	Tsageri	Broadcasting and publishing activity	10.3	4.1	6.5
37	Guria	Chokhatauri	Operation of the municipality's information center	0	0	6.5
38	Samckhe- Javakheti	Adigeni	Advertising expenditure	0	0	4.5
39	Adjara	Batumi	Publication of <i>Batumuti Kronikebi</i> , now liquidated	99.2	0	0
Total				7,834.40	7,466.90	8,555.80

A number of municipalities maintain their own, government-controlled newspapers which are charged with publishing information about the local government's activities. Some of these government publications were only set up in recent years.

- The municipality of **Gurjaani** decreed the creation of a non-profit entity, *Gurjaani Municipali Matsne* in 2011. Its director is appointed by the Gurjaani's Gamgebeli. The mission of this government-controlled publication is to serve as the local government's public relations service. For this service, the newspaper received GEL 25,000 from the

local government budget.⁷⁴ In recent years, Gurjaani has earmarked a total of GEL 71,400 (2010), GEL 41,100 (2011) and GEL 40,000 (2012) for broadcasting and printing services.

- In **Aspindza**, the municipality's official newspaper *Aspindzis Matsne* has been funded with GEL 15,000 in 2010, GEL 21,300 in 2011 and 26,000 in 2012.⁷⁵
- *LLC Samtrediis Matsne* is a state-owned newspaper in the **Samtredia** municipality (Imereti). Samtredia's budget allocated GEL 81,500 (2010), GEL 81,300 (2011) and GEL 84,000 (2012) for broadcasting and printing services.⁷⁶
- The newspaper of the local government in **Khobi**, *Khobis Moambe*, has received GEL 40,000 in 2011 and for 2012, GEL 45,500 have been earmarked.⁷⁷
- **Gori** has allocated GEL 30,000 per year in the past three years for the non-profit entity *Goris Matsne*, and has allocated an additional GEL 42,000 per year for "broadcasting and publishing activities". In 2011, it also sponsored Imedi TV's program *Heroes* with GEL 1,000; GEL 2,000 have been allocated for the same purpose for 2012 in the local budget.⁷⁸ This funding is in contradiction with the Georgian Law on Broadcasting, which bans government entities from funding TV shows.

Ia Mamaladze, the head of the Georgian Regional Media Association says that municipalities have not always allocated government funds in a fair and transparent manner. In 2010, her own newspaper, *Guria News*, applied for a local government tender to print announcements from a local municipality. "For us it was clear that we would not be able to win the contract, so we wanted to test the system and offered the municipality to print their announcements for free. Another publication, *Guris Moambe*, was awarded the contract. When we asked why, we were told that they had submitted their documentation earlier than us", Mamaladze says.⁷⁹

Since December 2010, government tenders are procured electronically through a central website, procurement.gov.ge, where signed contracts can be viewed. Analyzing a number of media related service tenders, TI Georgia found that such contracts are often procured using a so called simplified tender procedure, which allows for a bidding period of only three working days.⁸⁰ As a result of the short bidding period, only few of the bidding processes for media tenders have been truly competitive. In most cases, only a single bidder applies. One reason for that might be that other potential bidders in the regions are not always aware of tenders announced by their municipalities.

⁷⁴ The non-profit entity Gurjaanis *Municipali Matsne* was created by order number 19 of the Gurjaani Sakrebulo on March 3, 201. Order 283 of the Gurjaani Gamgebeli, issued on 7.04.2011, Asmat Nikolaishvili was appointed as a director of the newspaper with a salary of GEL 500.

⁷⁵ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1536747#.

⁷⁶ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1528932#.

⁷⁷ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1551548#.

⁷⁸ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1546536#.

⁷⁹ TI Georgia interview with Ia Mamaladze.

⁸⁰ The time limit of three working days was introduced only recently. Before, the minimum bidding period was three days, including holidays, which allowed for the announcement of a tender on Friday afternoon, with the deadline for the submission of bids on the following Monday.

Government-owned newspapers compete with independent media

The amounts local government bodies are spending on media projects seem relatively small. However, subsidies from the local government have distorted competition and undermined the sustainability of independent media companies in some municipalities where government-funded media competes with privately-owned outlets.

One example of local government subsidies resulting in a distortion of the media environment is Kharagauli. There, the local newspaper had been able to provide independent coverage on local developments to the community and sustain its operation – until the local government launched its own newspaper.

Case study: Kharagauli

The municipality of Kharagauli has a population of 27,500 – and two weekly newspapers.⁸¹

In 1998, Laura Gogoladze founded *Chemi Kharagauli* (My Kharagauli) which she edits and owns until today. According to Gogoladze, her paper prints 1,800 copies a week, and distributes about 1,700 copies to subscribers.

Gogoladze estimates that five or six people read each copy of her paper and that she has managed to build a readership of about 9,000. To reach this – for Georgian standards – high number of readers, Gogoladze has taken many trips through the villages of the region. She hands out free copies of her paper and engages locals in discussions about developments in the region that *Chemi Kharagauli* reports on. This way, she manages to convince people to sign up for subscriptions.

Gogoladze says that her paper tries to provide a fair perspective on developments in the municipality, without taking political sides. “I have readers who support the government, others who support the opposition, and others who are neutral. I have to keep them all happy, and I do not want our newspaper to be perceived as biased and thus lose my subscribers from both sides”, Gogoladze says.

For two years, *Chemi Kharagauli* has faced competition from *Akhali Kharagauli* (New Kharagauli). The newspaper was founded by the local government (Sakrebulo) in 2009 as a limited liability company (LLC).⁸² In 2011, *Akhali Kharagauli* became a non-profit entity and its director was appointed by a Sakrebulo decree. The municipality earmarked GEL 37,600 for 2011,⁸³ and GEL 36,000 for 2012 for publishing activities. The funds were given to *Akhali Kharagauli* through a direct, non-competitive agreement.⁸⁴

“Since 1998, we have had stable income that was sufficient to continue operating. But we would not have survived the last year without an IREX grant”, Gogoladze says.⁸⁵ According to her, paid

⁸¹ Population data according to GeoStat.

⁸² Akhali Kharagauli was created and the director was appointed by the Kharagauli's Sakrebulo order # 6 03.01.2011.

⁸³ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1156854.

⁸⁴ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1527171

⁸⁵ The USAID-funded GMedia program implemented by IREX is also funding this report and TI Georgia's work on the media sector.

announcements from the local government were always an important source of income for the paper. But after the government created *Akhali Kharagauli*, all paid public service announcements went to her government-controlled competitor.

Furthermore, *Chemi Kharagauli*'s revenue from small classified ads, another important source of income for most local newspapers, has largely dried up. "*Akhali Kharagauli* has started to offer the local population to print their classified ads for free. They can only do this because their operation is subsidized directly by the local government", Gogoladze says.⁸⁶

Pressure on distributors

When TI Georgia visited the office of *Chemi Kharagauli*, located right next to the building of the local government, an elderly man entered the newspaper's office to inquire about a subscription to the paper. "We want to receive news. In a democracy, everything should be open", he told TI Georgia. A few minutes after he had left the newspaper's office, the man came back. He said he had received a call and was advised not to speak to outsiders.

Gogoladze says that her employees have been intimidated and threatened on several occasions by *soplis rtsmunebuli*, village representatives of the local governor, and a number of her employees have quit their jobs. "I had to replace distributors several times. Finally, the local people themselves have started to protest against that. They say, 'why don't they let us read the newspaper we like to read?'" , Gogoladze says.

Some copies of her paper are sold at local grocery stores. "The shop owners hide our papers and do not display them because they know that the local authorities are not happy with our paper being read in the community", Gogoladze says. In several villages, including Boriti and Goresha, subscribers were temporarily not able to receive the paper after two local government officials allegedly threatened the paper's local distributors, who quit their jobs. Also, local shop owners have refused to sell *Chemi Kharagauli* after being warned not to do it, Gogoladze says.

Access to information from the local government has become more difficult for the privately owned paper since the arrival of its government-owned competitor. Gogoladze of *Chemi Kharagauli* claims that her paper is no longer provided with information about upcoming local events – now, locals can often first read such news in the government-owned paper, putting *Chemi Kharagauli* at a competitive disadvantage.

When it comes to access to public information, the local government in Kharagauli has a mixed record, with room for improvement. Laura Gogoladze estimates that about 90 per cent of her newspapers' requests for public information were in the end satisfied. However, in some cases, requested information was only released with several weeks of delay, and only after continuous insistence and repeated demands. In one case, Gogoladze recalls, she only received accurate statistics of the local government's compliance rate with FOI requests after she involved the administration of the Parliament in Tbilisi. In another case, she only received a breakdown of the municipality's expenditures for new years' celebrations after she had published a rejection of her

⁸⁶ TI Georgia interview with Laura Gogoladze.

request on her Facebook page,⁸⁷ triggering an online discussion, resulting in the local government's release of the requested spending data.

Case Study: Guria

In the Guria region, the municipality of Ozurgeti is the only local government body that has allocated funds for publishing and media activities (GEL 10,700 in 2012).⁸⁸ In this rural and mountainous area, two regional newspapers, *Guria News* and *Guris Moambe*, and several local publications compete for readers.

Guria News has managed to set up a sophisticated distribution system. The paper, published twice a week, is delivered to villages throughout the region. Local distributors in each village act as the newspaper's representatives and receive a commission for every new subscriber they win. The paper has also introduced plastic bonus cards, rewarding long-term subscribers (who signed up for more than six months) with discounts in local stores that are affiliated with the newspaper.

However, *Guria News* too is facing some difficulties with distribution, says Ia Mamaladze, the paper's owner. According to Mamaladze, two of her distributors quit their jobs after rumors emerged that readers of the newspaper could be identified as opposition supporters by the government. As a result, a number of local residents became concerned that providing *Guria News* with their ID details – needed to sign up for subscriptions – could result in repercussions or their personal data being used by the opposition Georgian Dream coalition, which had advertised in *Guria News*. Some shopkeepers have refused to sell the paper, after initially agreeing to do so, according to Mamaladze.⁸⁹

She says that it remains very difficult for the paper's journalists to receive information and comments on local affairs from local government officials. She cannot recall a single press conference hosted by the local governor in the past two years, Mamaladze says. When covering crime investigations in Guria, local policemen have often referred the paper's journalists to the Ministry of Interior's spokesperson in Tbilisi and declined to comment on cases.⁹⁰ New requirements, introduced in March, which require any citizen, including journalists, to obtain a pass before being able to enter a local government building have further decreased the openness of the region's municipalities.

The investigation of a 2010 attack on *Guria News*' office which resulted in significant damage has failed to produce any results.

Case study: Adjara

In Georgia's Autonomous Republic of Adjara, the Batumi-based, award-winning weekly newspaper *Batumelebi* and the local television channel TV25 are facing two government-funded competitors. One is the regional government-owned newspaper *Ajara & Adjaria*, which is

⁸⁷ See

<https://www.facebook.com/photo.php?fbid=309062779138386&set=a.193635720681093.51104.100001040005261&type=1&theater>.

⁸⁸ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1533434#.

⁸⁹ TI Georgia interview with Ia Mamaladze.

⁹⁰ TI Georgia interview with Ia Mamaladze.

published in Georgian and Russian and is receiving GEL 230,000 from the autonomous republic's 2012 budget (2011: GEL 238,000, 2010: GEL 205,000).⁹¹

The Department of Adjaran TV and Radio Broadcasting which operates Adjara TV receives budget funding of GEL 6.648 million this year, although the station continues to lack a legal basis for its operation.⁹² Findings of a national survey by CRRC indicate that Adjara TV has the fourth largest technical reach of all Georgian TV channels, with 55 per cent of respondents saying they can receive the regional state-broadcaster's signal.⁹³

The Georgian Law on Broadcasting only provides a legal basis for the Georgian Public Broadcaster, such as private channels and community stations, but not for a state-broadcaster like Adjara TV. The law emphasizes that a "legal entity interdependent with, or controlled by, an administrative authority" must not hold a broadcasting license.⁹⁴ Amendments to the Law on Broadcasting from December 2005 required the government to "elaborate proposals for the re-organization" of Adjara TV by the end of 2006. But this date passed without any such proposal being put forward. When the Law on Broadcasting was amended most recently in April 2011, again a deadline for the re-organization was included in the law. The law obliged the government to propose plans for a re-organization by November 1, 2011. However, this deadline also passed without any government initiative to change the status quo.⁹⁵

Eter Turadze, the editor-in-chief of *Batumelebi*, says that her paper was engaged in lengthy negotiations with Express LLC, the chain of newspaper kiosks, which today is 70 per cent government owned – 30 per cent are owned by a British Virgin Islands shell company with links to former Defense Minister Dato Kezerashvili.⁹⁶ "In the end, they refused to distribute *Batumelebi*. They said, 'it is not worth it, you do not sell enough papers,'" Turadze says. According to her, *Batumelebi* prints 5,000 copies per week – a large circulation, for Georgian standards.⁹⁷ While a number of major Tbilisi based publishers have so far refused to engage in talks with Express LLC about having their publications distributed by the company's kiosks in the capital and other cities, *Batumelebi* claims that it has been denied access to the company's kiosk network.

Since its launch in 2001, *Batumelebi* has managed to build its own distribution system and is also able to deliver to provide home delivery to subscribers in Adjarian villages. Street sales account

⁹¹ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1532899#.

⁹² Funding in 2011 was GEL 5.808 million, and GEL 6.142 million in 2010, according to the autonomous republic's budget, https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1532899#.

⁹³ Caucasus Research Resource Centers: Media Survey 2011, <http://www.crrc.ge/oda/?dataset=7&row=127>.

⁹⁴ Georgian Law on Broadcasting, Article 37 (2), http://www.gncc.ge/files/7050_3380_492233_mauwyebloba-eng.pdf (please note that this English translation does not contain amendments made in 2011).

⁹⁵ Georgian Law on Broadcasting, Article 76 (19).

⁹⁶ For more information on Express LLC, please see TI Georgia's report on the Georgian Advertising Market, <http://transparency.ge/en/advertising>; Georgian public registry, https://enreg.reestri.gov.ge/main.php?c=mortgage&m=get_output_by_id&scandoc_id=349341&app_id=402210.

⁹⁷ The largest daily newspapers in Georgia are believed to have a daily circulation of not more than 5,000 copies. Only a few Tbilisi-based weekly publications manage to sell more than 10,000 copies per week. There are no independently audited circulation numbers available in Georgia.

for only about 500 copies per issue – ten per cent of the total printed circulation – with only about seven to ten percent of copies being returned unsold, according to Turadze.

Like *Guria News*, *Batumelebi*'s distribution system builds on the use of incentives to increase its reach. Some of *Batumelebi*'s distributors work on a commission basis – if they win over a new subscriber, they can keep a percentage of the revenue. The paper has delivered a free copy to all households in Adjara three times in recent years in order to reach new audiences and win new subscribers.