

## **Reporting about Judiciary Issues in Georgian Media**

### **Media Monitoring Report**

Human Rights Center



Aleko Tskitishvili  
Salome Achba  
Shorena Lathathia  
Thea Topuria

#### **Introduction**

Between May 30 and December 31, 2011, the Human Rights Center conducted a study of reporting about judiciary issues in the Georgian media. The research focused on time and space allocation, tone, type, geography and sources of material presented, partial coverage and use of unethical language regarding subjects.

The monitoring covered a study of the following media outlets: newspapers Alia, Resonansi (Resonance), Akhali Taoba (New Generation) and the main Public Broadcaster daily news program, Moambe (8pm).

This research was carried out as part of a UNDP project, Development of Media Monitoring Capacities in Georgia, funded by the European Union.

#### **Methodology**

The Human Rights Center conducted monitoring of reporting about judiciary issues in three phases:

- Phase one: May 30 – July 3, 2011
- Phase two: July 18 – September 4, 2011
- Phase three: November 10 – December 31, 2011

The research into the reporting of judiciary issues in the Georgian media combined quantitative and qualitative components. The quantitative data included information about the time and space allocated to the topics of interest, tone and direct/indirect style of reporting, themes, geography (region). The qualitative research focused on the number of sources, objectivity, partial reporting, fact based presentation of information and the use of unethical epithets.

The selection of media outlets was based on the following criteria:

- Coverage area: like Public Broadcaster, selected newspapers are distributed on the entire territory of Georgia;
- Special focus and interest of selected media outlets towards judiciary issues:
- Responsibility: Public Broadcaster bears more responsibility regarding dissemination of information in society compared to private TV stations. This gave it an advantage in the selection process.

The monitoring group concentrated its study on the following subtopics:

- Court;
- Cases still subject to investigation and still to be presented to the court;
- Rights of convicts and conditions in penitentiaries;
- Cases to be investigated (in which available information is not based on material obtained by the investigation units, Prosecutor's Office or any other official authority).

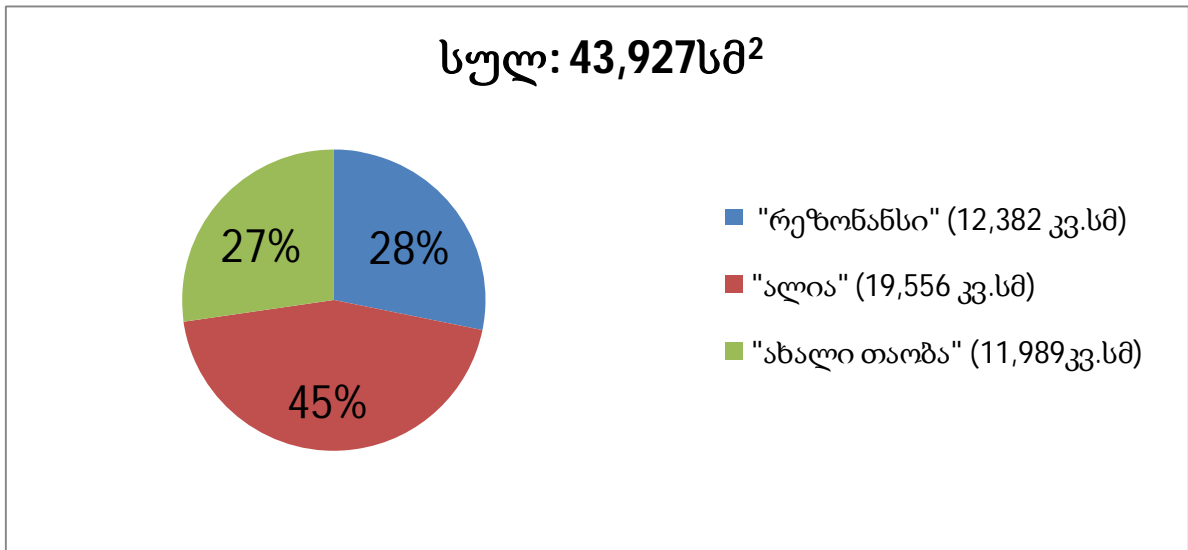
The following subjects were among the most frequently discussed:

- defendant;
- convict;
- wanted persons;
- victim;
- witness;
- Ministry of Internal Affairs;
- Ministry of Corrections and Legal Assistance of Georgia;
- prison administration;
- Prosecutor's Office;
- court;
- the jury;
- attorney;
- Public Defender;
- rights protection NGOs;
- parliamentary and non-parliamentary opposition parties;
- authorities (governing team);
- the President;
- experts.

### **Principal Findings**

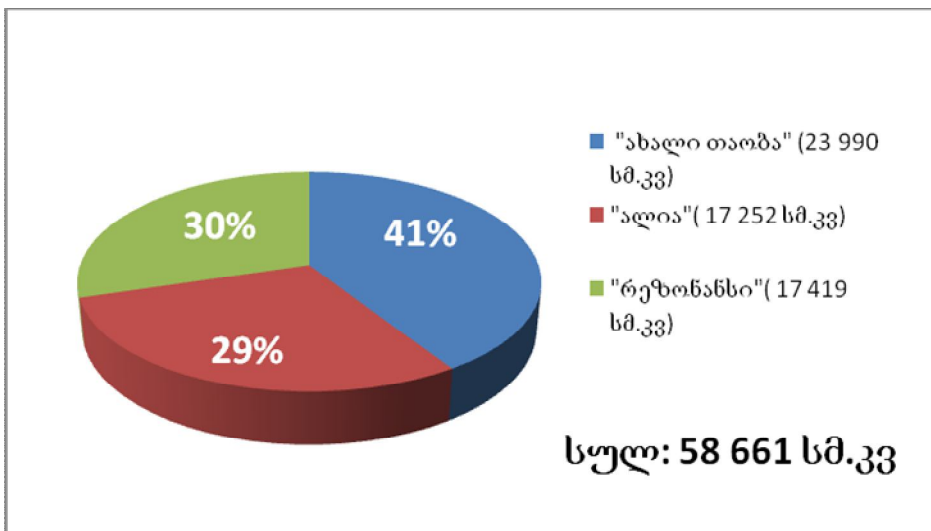
During the first phase of monitoring (May 30 – July 3, 2011), the research team analyzed 43 reports and 183 articles. The total duration of reports aired by Public Broadcaster was 9,640 seconds, i.e. approximately 2 hours and 40 minutes. The selected newspapers (Alia, Resonansi (Resonance) and Akhali Taoba (New Generation)) allocated an area of 43,927 sq. cm to the research topics. Alia published the highest number of articles (45% of the entire area). The amount of material that was published by Resonansi (Resonance) and Akhali Taoba (New Generation) was almost identical.

Diagram #1: Space Distribution of Articles by Newspaper (% , May 30 – July 3, 2011)



During the second phase – the period between July 18 and September 4, 2011 – the media monitoring group analyzed 44 reports and 230 articles. The total duration of the reports amounted to 2 hours and 36 minutes and the total area of the articles was 58,661 sq. cm. An analysis of the percentage distribution of the article space showed that Akhali Taoba (New Generation) allocated the biggest area to the research issues (41%). It was followed by Resonansi (Resonance) and Alia with similar results (30 and 29% of the total area respectively).

Diagram #2: Space Distribution of Articles by Newspaper (% , July 18 – September 4, 2011)



During the monitoring of the third period (November 10 – December 31, 2011) the research team analyzed 57 reports and 103 articles. The total duration of the reports was 3 hours and 36 minutes and the total area of the articles covered 22,697 sq. cm. During this phase, Alia allocated the greatest area to

discussion of the research topics (22,697 sq. cm. (58%). It was followed by Akhali Taoba (New Generation) with 22,697 sq.cm. (31 %) and Resonansi (Resonance) with 12,382 sq.cm. (11%).

## **Quantitative Data Themes**

In the first phase of monitoring, all media outlets devoted the highest number of reports and articles to cases still in the process of investigation. Along with investigation (52% of total area), Resonansi (Resonance) actively covered the rights of convicts (39% of total area) as well. Alia dedicated 73% of the material about judiciary issues to the investigation phase, 15% to convicts' rights and 12% to court proceedings. 50% of the space used for discussion of the research topics in Akhali Taoba was dedicated to the investigation, 32% to the rights of convicts and 18% to the court cases. Moamb also devoted the biggest amount of time to broadcasting materials about investigations (2 hours and 40 minutes, 92% of the total time allotted to the research topics). The rest of the time (8%) was allocated to the coverage of court proceedings.

Monitoring of the second phase of research (July 18 – September 4) showed that the interest of the selected media outlets was mainly concentrated on reporting on ongoing investigations again. An exception was made by the Akhali Taoba (New Generation) newspaper, which was also actively involved in discussions of court proceedings. From July to September 2011, only a few reports and articles about penitentiary facilities and the rights of convicts were released in the press and television. The seven week period was marked with no production in the field of investigative journalism at all. The Akhali Taoba (New Generation) and Alia newspapers intensely reported on cases still to be investigated and published materials that were not based on information provided by the Prosecutor's Office and investigative agencies.

During the third phase of research (November 10 – December 31), Moambe broadcast fewer reports combining judiciary and political issues; at that time, Georgian politics produced no common themes that could cover judiciary issues as well. The same happened in the case of the newspapers: they dedicated fewer articles to the topic of justice, allocating only 22,697 sq. cm. to the research subjects. In contrast to the previous periods, the newspapers started to actively discuss the rights of convicts, though the number of entries concerning court proceedings remained low, with the exception of information published by Akhali Taoba (New Generation), which dedicated 7,022 sq. cm. - 30% of the entire area dedicated to the research topics - to this theme.

## **Geography**

During the reporting about the judiciary topics, the main news program Moambe (Public Broadcaster) encompasses the broadest coverage area compared to the print media (the whole territory of Georgia). However, almost half of the reports (47%) aired between July 18 and September 4 focused on criminal cases that took place in Tbilisi. This trend was moreover present during all three periods of monitoring. It has to be noted that the present report includes information about events that happened abroad and of limited interest to Georgian citizens. However, the monitoring team did not analyze foreign criminal chronicles since this did not belong to its field of interest.

The study of the print media revealed that the main share of the articles on judiciary issues is based on the materials that are collected in the capital. Resonansi (Resonance) published the biggest number of articles about the regions and had the highest rate of using materials from outside Tbilisi as well. Akhali Taoba (New Generation) and Alia were less interested in developments outside the capital.

### **Time/Space, Tone and Type (Direct/Indirect)**

As already mentioned, during the first and the second phases of monitoring, the print and TV media mainly focused its interest on ongoing investigations. Accordingly, the greatest amount of time and space of all three newspapers and the Public Broadcaster was allocated to the accused and detained persons (suspects).

During these periods of the study, Moambe used a positive tone only towards representatives of the police, court, governing team (National Movement) and defense lawyers. Other subjects were mentioned in a neutral or negative tone. The use of a negative tone towards defendants<sup>1</sup>, the convicts and the suspects deserves special mentioning. As a general rule reports about them did not present any information on their rights and problems. During the second phase “Moambe” used similar amount of direct and indirect style of reporting about the subjects. Due to the particular circumstances the subjects who were unavailable for the comments (missing and wanted persons) were discussed in an indirect way.

In May-September, Resonansi (Resonance) and Akhali Taoba (New Generation) demonstrated a more positive and neutral attitude regarding the subjects while Alia negatively assessed activities of the government and the police, contrary to the parliamentary and non-parliamentary opposition which were never mentioned by the channel in a negative way.

During the third phase (November 10 – December 31, 2011), Resonansi (Resonance), Alia and Akhali Taoba (New Generation) most frequently discussed the following subjects: defendants, convicts, court and the non-parliamentary opposition. As a rule, Akhali Taoba (New Generation) and Alia were neutral in their assessments and Resonansi (Resonance) often used a positive tone. The attention of Moambe was focused on defendants, victims, the Ministry of Internal Affairs and the courts. It chose to report about the defendants with a distinctly negative tone, while commonly mentioning all other subjects in a positive and neutral way. During the third period, Moambe continued to use direct and indirect reporting styles.

### **Quantitative Data**

#### **Sources of Information, Balance, Objectivity, Impartial Reporting**

For discussion of judiciary issues, the main news program Moambe (Public Broadcaster TV channel) often used pieces of information released by the Ministry of Internal Affairs and the Prosecutor’s Office. In their reports about criminal cases, journalists presented video materials that were produced by police agencies. They fully shared any official accusations and versions of events. Journalists commonly acted as accusers and violated the presumption of innocence principle. In summer 2011, cooperation between Russian special services and Georgian opposition parties remained an urgent issue. As if willing to present balanced information, journalists often invited for their comments experts and representatives of the opposition parties. However, the parties interviewed mostly voiced opinions similar to those of the National Movement. In fact, the comments were used for reinforcement of the statements made by the ruling party and did not contribute to the preservation of objectivity.

The monitoring coincided with the most controversial event of 2011, the break-up of a rally of supporters of Sakhalkho Kreba (People’s Court), which took place on Rustaveli Avenue on May 26, and the

---

<sup>1</sup> According to the Criminal Code amendments of February 2010, there are only two terms to be used in the future: “defendant” and “convict”. Despite this, journalists still make frequent use of the term “suspect”.

subsequent legal and political developments. Moambe dedicated numerous reports to the issue. During coverage of the actions of the police force and their break-up of the non-sanctioned meeting, the program focused on the illegal activities of the organizers (leaders and representatives of Sakhalkho Kreba (People's Court), Shefitsulebi (Those Who Took the Oath) and the National Religious Movement) ignoring the excessive use of force by the special units.

Journalists on the Moambe program were quite biased during reporting about their colleagues detained for alleged spying (the so called "Photo Reporters' Case"). The first piece of information concerning events surrounding the case was broadcast on July 18, 2011. Even the title, Means of Recruitment, revealed the partial attitude of the journalists and editorial staff of the program. An unprecedented length of aired material (20 minutes) was accompanied by the absence of balance. Despite a serious reaction from the public, information about supporting demonstrations with the participation of the journalists were broadcast by Moambe as news items #12 and 17. "Means of Recruitment" demonstrated a stand of the Ministry of Internal Affairs and tried to assure society that Russian special services recruited photo journalists for spying. The aired material was entirely based on Giorgi Abdaladze's confession in which he claimed to have been abducted by separatists in Tskhinvali. According to the statement, this happened in 2002 and he was threatened that his family would be killed if he did not agree to cooperate. A televised report, lasting a total of 20 minutes, allocated only 36 seconds to his defense lawyer Eka Beselia (direct reporting for 13 and indirect reporting for 23 seconds).

Similar problems are experienced by the print media. During the second phase of research, journalists from Alia, Resonansi (Resonance) and Akhali Taoba (New Generation) used the non-parliamentary opposition and the non-governmental sector as major sources of information. Study of all three newspapers revealed the lack of communication between representatives of official institutions and journalists which resulted in a very low number of comments from the government. In a series of articles, journalists noted that they had tried to contact representatives of the governmental agencies but failed to achieve any success. There were cases when respondents refused to give comments to the journalists of specific newspapers. The tendency does not present a problem for isolated articles but, in the longer term, the fact that journalists are not able to obtain comments from the governmental authorities creates an atmosphere of presenting biased and one-sided information.

Most of the publications about judiciary issues in the selected newspapers did not preserve a balance of sources or represent different opinions. They frequently published comments that were made by the same respondents (Eka Beselia, Shalva Khatshapuridze, Nana Kakabadze, Keti Bekhauri).

As in May-September 2011, during the third phase (November-December 2011), newspapers often wrote about the following subjects: the defendant, the Ministry of Internal Affairs, defense attorneys. The issue of partial and unbalanced reporting remained a problem along with the continuing absence of communication between journalists and representatives of official agencies. In some cases, journalists did not even indicate if they had made any attempt to establish contact and receive comments.

### **Non-academic Writing Style, Unethical Wording**

During the monitoring, journalists on the Moambe program produced several reports in which research subjects were described in an unethical way. Especially obvious was the negative attitude towards opposition parties. One of the reports (May 31, 2011) dubbed the leader of the Georgian Party, Irakli Okruashvili, as "Russian Gold" (a play on words: "okro" meaning "gold" in Georgian). A report which was broadcast on May 30, 2011 with the title "Plans of the Aunty" included insulting epithets for presenting the leader of Sakhalkho Kreba (People's Court) Nino Burdjanadze. It is true that they were used by one of the subjects (Temur Khachishvili) and not by the journalist, but the media outlet had no problem with its duplicating and even using the words in the title.

Ethical norms were violated by Moambe while reporting about non-political themes as well. A report from June 11 (“A Youngster Wounded Another Youngster”), which contained information about a criminal case in the Kakheti region, mentioned the name of an under-age defendant.

Analysis of the data revealed that, unlike Resonansi (Resonance) and Akhali Taoba (New Generation), Alia lacked academic style. It became especially evident with the texts of the interviews which resembled a chat between friends (e.g. an article “Demetradze Feels Really Bad in Rustavi Prison” in Alia, September 1-5, 2011 issue on p. 6). Very often journalists and respondents used unethical and insulting vocabulary in describing representatives of the authorities (and not only these). Insulting words were used by both the respondents and the journalists (e.g. issues of June 13-19, p. 23 and May 30, pp. 17-18). In its November 21-27, 2011 issue, Alia published a short note with the title: “Gang of Georgians, Russians and Armenians Detained in France”. The monitoring team believes that there was no necessity to mention the nationalities of those involved as this could lead to the coining of negative stereotypes. It would have been better to say that those detained were of Georgian, Russian and Armenian citizenship.

The article “Khatuna Khalmakhelidze Starts to Talk Like an Alien” (Akhali Taoba (New Generation), December 12-13, 2011) contained examples of sexist vocabulary. The journalist said: “The minister, who is a woman, says that...”. With this phrase, the journalist emphasized the gender of the minister without any apparent need to do so. The article revealed a lack of knowledge concerning the principles of gender equality and demonstrated a stereotypical attitude to the subject.

### **Violation of the Presumption of Innocence**

The study of the Georgian media exposed articles (Alia) and reports (Moambe) which frequently violated the presumption of innocence.

The problem was especially noticeable in the report “Violence against a Youngster”. It was aired on July 18, 2011 in Moambe and started with the statement by the journalist: “One more case of violence against a young person”. The information revealed that a young boy accused his parents of violent treatment. However, accusations may prove to be groundless. “No one is beating him. He is lying,” says the father. “This is my only child. Why should I beat him?” adds the surprised mother. A neighbor says: “The child and the parents contradict each other. We neighbors don’t know what is going on in reality”. A social agency representative explains: “According to our information, no proof of violent behavior towards the boy has been produced yet.” Distribution of information which is solely based on the testimony of a juvenile and declaring the parents’ behavior to be an act of violence is in blatant violation of the presumption of innocence. The problem was presented in an incompetent, unethical way. Despite the fact that the report did not include a picture of the boy, it was still possible to identify him; the journalist mentioned his name (Mishiko), named the place of his residence and showed the parents. Norms of journalistic ethics were violated due to the fact that it is prohibited to identify a young person in a report about a criminal case. It has to be said that the journalist was well aware that the statement of the boy was of no legal value. At one point she said: “According to the experts, it is impossible to base justice only on the statement of a young person.” If this is the case, then why the title “Violence against a Youngster”? The beginning and the end of the report contradict each other, misinforming the viewers about “one more case of violence against a young person”.

Reporting style did not show any changes in November and December 2011. The main sources of information for the journalists of Moambe still remained video materials from the Ministry of Internal Affairs and footages that were produced with the use of hidden cameras. Defense attorneys were rarely included in the reports and the defendants were frequently called the offenders even prior to the trial. For example, on December 4, 2011, Moambe broadcast a report about the murder of a taxi driver and

detention of a person who was accused of the crime. During an introduction to the actual report, the TV moderator directly dubbed the accused as a murderer and offender (quotation: “Police have detained a person who is accused of murdering a taxi driver and hijacking his vehicle...” “The murderer hijacked his car, but later got involved in an accident. The suspect faces 15 years in jail”).

Violation of the presumption of innocence principle was also exposed in Alia. Its issue from August 30, 2011 contained a short note with the title “Brother Killed during Division of Property.” The article described the murder in such detail that it created the impression that the journalist was personally present during the tragic events. The name of the suspect was released and he was called a murderer despite the fact that the court had not produced any verdict. According to the Code of the Georgian Criminal Law, Paragraph 5, Part one: “a person is considered innocent until his guilt is not established and proved by the verdict of the court”.

### **Hate Language**

During the second phase of the monitoring period, Alia published an article which contained hate language. A short note from August 2, 2011 reported an incident in Kobuleti. According to the article, Georgian and Armenian youngsters got involved in a dispute over ethnic issues. As a result of the conflict, the Georgian was wounded. The unequivocally xenophobic title “An Armenian Wounds a Georgian, who is Later Detained by the Police” exposed a violation in itself. Along with the fact that the information was not balanced and showed the partial attitude of the journalist towards the issue, it included details that needed to be checked. The journalist used his friend as an anonymous source and demonstrated a xenophobic attitude as well. He wrote: “According to the local Georgians, the situation with Armenians gets more tense every day. Our neighbors behave in such an impudent way - as if they were the hosts of the Georgians. This is the result of our governmental policy. Incidentally, we receive reports daily about the willful behavior of Armenians in the regions (Alia, August 2-3, 2011, p. 7).

### **Conclusion and Recommendations**

After analyzing the results of the media monitoring which was carried out between May 18 and December 31, 2011, the Human Rights Center research group concluded that the selected media outlets (newspapers: Alia, Resonansi (Resonance) and Akhali Taoba (New Generation) and the main daily Moambe news program of the Public Broadcaster) have problems that are connected to the reporting about judiciary issues and the upholding of professional standards. Materials that were published in the newspapers or aired by the TV channel were frequently unbalanced and partial with no demonstrated separation between facts and opinions.

Another problem concerns the professionalism of the journalists. Very often, they are not familiar with legal regulations and the subject of the report. Sometimes they mix up legal terms, demonstrating poor knowledge of the field (law) they are working in.

Based on the results of the media monitoring, Human Rights Center elaborated the following recommendations:

1. It is necessary to check information that is to be published or broadcast with at least two sources. Facts and comments have to be separated and information should be balanced by attracting different sources and opposite opinions;
2. Justice related topics should be analyzed in an in-depth analytical way;
3. Journalists should upgrade their knowledge regarding Georgian and international legal regulations;
4. The media should treat the issue of presumption of innocence in a very attentive, delicate, responsible manner. It is necessary to conduct regular trainings for journalists, editors and producers in order to raise



their awareness about the presumption of innocence and develop a more respectful attitude towards the rights of juveniles;

5. A journalist has to be very attentive while reporting about various ethnic, religious and sexual minorities. They should never be allowed to use hate language. During work on criminal or any other violation cases it is not acceptable to emphasize the religious or ethnic background of the persons concerned, except in cases in which crimes are committed for ethnic or religious reasons;

6. Media outlets, and Public Broadcaster in particular, should put more emphasis on the interests of the country's citizens and avoid the reporting of scandal and sensationalism.