

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Another Case Brought Against the Batumelebi Journalists

On February 4 the Tbilisi City Court refused to satisfy the complaint by journalists Mzia Amaglobeli and Eter Turadze. The applicants claimed the decision on a fine imposed on them at the Sarpi customs checkpoint to be declared void. On August 15, 2009 Eter Turadze and Mzia Amaglobeli legally crossed the Georgian-Turkish border to obtain newspaper materials.

Upon their return they passed all customs procedures without any complications; although, as soon as customs officers noticed that journalists were performing their

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professional activities, they ordered journalists to leave the customs territory, claiming that they were hindering customs procedures. The journalists requested legal grounds for their expulsion from the territory. Afterward, they were fined for disobeying lawful order of customs officer.

GYLA considers that decision to fine the journalists conflicts freedom of speech provisions acclaimed by the international human rights law and Georgian constitution. The decision also contradicts the European Court practice. It shall be noted that in one of its judgments the European Court emphasized that “In view of the interest protected by Article 10, the law cannot allow arbitrary restrictions which may become a form of indirect censorship should the authorities create obstacles to the gathering of information. For example, the latter activity is an essential preparatory step in journalism and is an inherent, protected part of press freedom. Obstacles created in order to hinder access to information of public interest may discourage those working in the media or related fields from pursuing such matters. As a result, the vital “public watchdog” role of the press may be undermined and the ability of the press to provide accurate and reliable reporting may be adversely affected”.

Imposing fine on journalists while they were performing their professional activities with a motive of disobedience to lawful order of customs officer on August 15, 2009 is a form of indirect censorship prohibited by Article 24 of Georgian Constitution.

Most importantly this was not the first case of exerting pressure on the Batumelebi newspaper. In frames of the legal protection centre of journalists the case of illegal actions of officers of the Adjara A/R bureau of MIA operative department against journalist of the same newspaper, Tedo Jorbenadze on November 25, 2009 is under consideration. The case involves violation of private life and coercion on part of MIA officers. Although GYLA has applied to the Prosecutor’s Office a number of times, efficient steps have not been made. It is alarming that relevant agencies of state authority do not fulfill their professional duties with respect to the case under consideration.

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The centre for legal protection of media is protecting interests of the journalists. The Centre was established in frames of the project Strengthening the Media's Role as a Watchdog Institution in Georgia. The project is funded by EU and implemented by the Eurasian Partnership Foundation in partnership with GYLA.

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