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GYLA RESPONDS TO THE EVENTS SURROUNDING "TV FIRST"

The Suppressing of critical media through defamation lawsuits (SLAPP) initiated by high-ranking political figures, members of the Georgian Dream party, and others associated with them continues.

On June 20, 2022, the mayor of Tbilisi, Kakha Kaladze, [filed a lawsuit](#) in city court seeking the rejection of defamatory information and compensation for moral damages. According to Kaladze's lawyer, Dimitri Gabunia, on June 5, 2022, Maya Mamulashvili's author program aired on "TV Pirveli," **during which the journalist claimed that "Kakha Kaladze received 60 million from only one tender, which is official information."**

Five months later, the city court partially upheld Kaladze's lawsuit, ordering "TV Pirveli" and journalist Maya Mamulashvili [to pay 15,000 GEL](#) in moral damages. **On July 26, 2024, Kakha Kaladze requested the National Enforcement Bureau to execute the court's decision.**

This is not the first instance of defamation proceedings against critical media. Over the past year, 28 such lawsuits against three leading critical TV channels: "Main Channel," "Formula," and "TV First" has been filled. Most of the petitioners are representatives of the ruling party and individuals close to them. **The surge in lawsuits against critical media within a short period, coupled with other attempts to restrict media operations, clearly indicates a coordinated effort to limit and intimidate media activities.**

The analysis of these cases has revealed several problematic approaches by the courts. Lawsuits are considered unusually quickly, often within a tight timeframe. In many instances, the court improperly shifts the burden of proof onto the defendant, contrary to established legal standards. Additionally, the validity of the defamation claim is only superficially examined, without assessing whether the claim may have

been filed with a fictitious purpose. The justification provided in court decisions regarding the balance between personal privacy and freedom of expression is also inadequate. Courts often fail to thoroughly discuss the grounds for terminating the dispute and, in some cases, violate the principle of adversarial competition by not allowing both parties in SLAPP disputes an equal opportunity to present evidence. Furthermore, courts frequently overlook the measures journalists take before reporting or publishing a contested issue, which can indirectly pressure them to disclose confidential sources. There is also a lack of consideration regarding the contribution of the disputed material to democratic discourse, as mandated by European Court of Justice standards. Despite the legal principle that the media owner is typically the proper defendant in defamation cases, judges often hold journalists accountable without addressing the issue of improper defendants. As a result, defendants are frequently ordered to pay substantial amounts in moral damages.

Such cases, by their nature, qualify as SLAPP cases, or strategic litigation against public participation, where the cases are brought for a fictitious purpose, and the plaintiff's goal is not to protect their own rights, but to suppress the voice of critical media.

SLAPPs will have a particularly damaging effect on the media during elections, where monitoring of candidates, political parties, and electoral processes is paramount. Given that SLAPPs aim to silence critical and investigative journalism, this will directly impact coverage of issues such as corruption, voter bribery, misuse of administrative resources, and more. This legal weapon not only stifles freedom of expression and the press but also undermines the ability of voters to make informed decisions based on accurate and diverse information. In democratic societies, the effective operation of the media plays a critical role in ensuring transparency and accountability during elections. Consequently, the practice of SLAPPs represents a direct attack on the integrity of the electoral process itself.