



The decision of the Board of Trustees regarding the case of Zviad Ratiani is unsubstantiated

On March 1, 2018, the Board of Trustees of the Public Broadcaster changed its position, which had been stated in a [news story](#) of the *Moambe* program, and refused to satisfy Zviad Ratiani's appeal.

The GYLA believes that the written decision fails to meet even the minimum standard required for such a decision. Specifically:

- According to Paragraph 2 of Article 11 of the Code of Conduct for Broadcasters, decisions on appeals must be in writing and **substantiated**, while the aforementioned document only contains general information about the filing of the appeal and the operative part.

- According to Paragraph 1 of Article 24 of the Law of Georgia on Broadcasting, the Board of Trustees is composed of nine members or trustees, and in accordance with Article 28 of the same Law, Board of Trustees shall be entitled to make decisions if a majority of the total members of the Board is present at a meeting. The Board makes decisions by a majority of votes of trustees present at a meeting, unless

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



otherwise provided for by this Law for making a decision on a certain issue. A However, the document does not make it possible to ascertain whether the Board of Trustees was entitled to discuss the issue and take a decision.

- Despite the fact that Grigol Gogelia, Chairperson of the Broad of Trustees, attended the meeting of February 22, 2018, at the time of taking the decision (March 1, 2018), the obligation of the chairperson of the meeting was performed by Marina Muskhelishvili, whose vote, as that of the chairperson of the meeting, was decisive in taking the decision regarding the violation of the principle of inviolability of personal life by the Public Broadcaster (Giorgi Nizharadze abstained from voting on the decision).

It should be noted that the Board of Trustees of the Public Broadcaster didn't hold a written and even verbal meaningful discussion on the issues raised in Zviad Ratiani's appeal and focused on issues that are not essential for the case, such as:

- **Campaign against the Public Broadcaster** The Board of Trustees was obliged to examine the appeal that dealt with the news story aired by the Public Broadcaster, instead of discussing why the plaintiff had not filed a complaint related to the airing of similar stories in other channels;

- **The lawfulness of obtaining information by the Public Broadcaster** The Board of Trustees discussed the correctness of making the recording in the court and requesting the disputed video recording from the Ministry of Internal Affairs. It remains a fact that the party didn't dispute the lawfulness of obtaining the said recording by the Public Broadcaster; what was important for him was that the said recording was aired by the Public Broadcaster and the news story was produced in violation of the norms of ethics;

- **Negative assessment of the information disseminated by the media in connection with the trial of Zviad Ratiani** The Board of Trustees discussed the negative aspect of the information disseminated by other media outlets, whereas the Board didn't deem the Public Broadcaster's disputed news story as a violation of the Code of Conduct for Broadcasters.

We would like to state that, when taking decisions, the self-regulation body of the Public Broadcaster should comply with the requirements of the Georgian legislation, properly examine complaints filed, and, by doing so, to some extent ensure the observance of standards of coverage by journalists of the Public Broadcaster. We call upon the Board of Trustees of the Public

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Broadcaster to pay more attention to complaints filed and to substantiate its decisions in the appropriate manner.