

To the President of Fourth Section of the European Court of Human Rights

Mrs. Ganna Yudkivska

To the Vice-President

Mr. Vincent A. De Gaetano

On case TV Company Rustavi 2 against Georgia

Joint Appeal

of the International Psycho – Rehabilitation Centre for Victims of Torture, Violence and Pronounced Stress Impact “EMPATHY” (RCT/EMPATHY, Georgia) and Georgian Bar Association

1. Statement of Facts

Private TV Company “Rustavi 2” is the largest and most watched nationwide TV Channel in Georgia that distinguished by criticism towards Georgian Government and declared Euro – Atlantic orientation. Taking into consideration increased Pro – Russian propaganda in the region, thus are crucially important for Georgia.

Georgia is country with transitional democracy with Constitutional guarantees of fundamental human rights such as “Freedom of Speech and Excretion” and “Rights to Property”.

Unfortunately not all appropriate democratic reforms have been implemented in Georgia. Particularly, we would like to draw attention of Honorable Court towards non – democratic Election Code and non-transparent rules for Judges Election, as well as non – transparency of close institutions and absent of an independent monitoring and investigation mechanisms in the Country.

Situation is worsened by the fact of non – fair elections that resulted in vining of ruling political party with constitutional magority in the Parliament of Georgia and with low level of legitimation. Based on this Governing Political Party started usurpation of the power in autocratic direction which was revealed in politically non – independent Court System, threatening to Presidential Institution and Civil Society; encouraged the failure of National Broad Casting of Georgia, closing of many critical TV programmes and unification of different TV Channels existed in the Country. All these circumstances created danger for freedom of expression and information in Georgia, especially towards the distribution of vitally important information for strictly vulnerable population.

At the same time should be mentioned that 20 % of territories of Georgia still is under occupation of Russian Federation. No adequate measures for protection and

security of civilians living in military and para – military regions of Georgia are taken by the Georgian State Institutions.

Based on these circumstances freedom of mass – media, speech and expression is vitally and crucially important for Georgia. From this point of view Rustavi 2 is the TV Company that promptly, effectively and impartially distributes the information regarding violations of human rights in cases of vulnerable war affected population of Georgia, namely violation of Right to Life, Freedom from Torture and Ill – Treatment, cases of kidnapping from the para – military villages, as well as Rights of Lawyers and cases of ill – treatment toward to them. The distributed information by Rustavi 2 presents an important source for appropriate interventions for RCT/EMPATHY, Georgian Bar Association and many other human rights protection agencies. Therefore Rustavi 2 represents important agency for protection of rights of victims and their families.

In this context we would like to present three Cases:

Case 1 of the RCT/EMPATHY: On February 28, 2017 from Rustavi 2’s morning news room “Curieri” we were informed that Mr. A.G. living in para military region of so called South Ossetia, village Gugutiantkari was kidnapped by Russian and Ossetian militants that was severally tortured during arbitrary detention and in Tskhinvali Pre – trial Prison. He was released after intervention of EUMM and immediately was transferred to the Hospital in Gori. No any adequate measures was conducted toward to this case by Georgian responsible law enforcement structures, namely no any forensic medical evaluation and investigation underwent. After receiving the information from Rustavi 2 on case Mr. A.G. the RCT/EMPATHY’s MDT implemented emergency actions: Provided multi – disciplinary medical and mental/psychological forensic assessment of this case according to the Istanbul Protocol; Mr. A.G was involved in the Multi – disciplinary rehabilitation project of the RCT/EMPATHY and legal assistance also has been provided.

Case N2 of the RCT/EMPATHY: On May 19, 2016 around 15.30. PM near by the occupied territory of Abkhazia citizen of Georgia Mr. G.O. was killed by Russian/Abkhazian so called “Custom service’s” officer. This fact became known from news room of Rustavi 2, consequently became assessable for the RCT/EMPATHY; after this the RCT/EMPATHY elaborated individual plan of intervention, contacted victim’s family and started case advocacy.

Case N3 from Georgian Bar Association: On November 8, 2015 in Police Station in handicapped condition was tortured public attorney Mr. George Mdinardze that visited police for protection of 14 years arrested juvenile; According to the observation of Bar Association adequate reaction toward to perpetrators conducted only with support and intervention of Rustavi 2.

The above –mentioned facts present clear evidences that sustainability of current editorial policy of Private TV Company Rustavi 2 is crucially important for vulnerable

citizens of Georgia and moreover in many cases it is only source for access to vitally important information.

2. A Circumstance of the Case: On March 2, 2017 all 9 Judges of Grand Chamber of Supreme Court of Georgia in inadequate circumstances (during three days on 8 volume case) granted from our consideration politically motivated decision against TV Company Rustavi 2 that reflected in changing of Owner. Practically immediately this “new owner” expressed negative attitude towards the correct editorial policy of Rustavi 2. On March 3, 2017 ECHR according to the Court’s Rule 39 declared decision on suspension of execution of Georgian Supreme Court’s Decision until March 8, 2017.

3. Our Assessment of facts: Taking into consideration listed facts and circumstances, as well as previously well known facts of influence on Judges and suspected facts of corruption, we consider that right to fair court was violated in connection with Rustavi 2 and its Owners. All stated facts clearly demonstrate political will of Governing officials of Georgia to change current editorial policy of the TV Company Rustavi 2.

4. Our Appeal: Finally based on above mentioned, especially taking into account vital interests of vulnerable citizens of Georgia that is clear from above described cases of torture, ill treatment and death, we consider as necessity measure and ask Honorable Court to postpone execution of Georgian Supreme Court’s Decision until final merits on this case, by extending the Rule 39 of ECHR.

With Respect,

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The President of the NGO RCT/EMPATHY, Georgia, Member and former council member of the World Psychiatric Association “Torture Psychological Consequences and Persecution, Expert of the International NGO “Physicians for Human Rights”.

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