

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA believes that the legal entity of public law Public Broadcaster must abide by the Board of Trustee's decision

On June 10, 2012, a statement offering an explanation about Zura Vazagashvili's case was published on Public Broadcaster's website. The statement said that "with regard

to the incident that occurred by the tennis court, there is a resolution of the prosecutor's office dated April 19, 2007, which says the following: quote - "based on operative information, probe was launched against Vazagashvili, khubulovi, Poturidze into the fact of preparation of robbery attack. According to the operative information received, members of the criminal gang were armed," – end of quote. This formulation is an official evaluation of the prosecutor's office with respect to the fact. Moambe is based on official sources and it does not qualify itself actions of this or that person."

On May 2, 2012, a report prepared about an assembly of Zurab Vazagashvili's relatives and representatives of the society, marking anniversary of Zura Vazagashvili's death by the tennis court was aired during the 4pm newscast Moambe. The report provided a detailed overview of the incident that occurred on May 2, 2011, involving death of Zura Vazagashvili. The report noted that 'Vazagashvili was a member of an armed gang'.

With the assistance of GYLA, Zura Vazagashvili's parents filed a complaint with the self-regulatory agency of the Public Broadcaster, seeking rebuttal of the information.

On July 9, 2012, the Public Broadcaster's board of trustees granted the appellate claim of Iuri Vazagashvili and Tsiala Shanava. However, during the 4pm newscast Moambe aired on June 10, 2012, decision of the Board of Trustees was not fulfilled.

Pursuant to the Public Broadcaster's Code of Conduct, a journalist must comply with standards of conduct. According to one of its stipulations, a journalist should consider that the course of investigation does not imply that the suspect is a criminal. When preparing a report about the case a journalist should carefully consider what's more important – public interest or protection of the individual concerned. A journalist should accurately follow the progress of the investigation and consider reporting to audiences on significant developments and changes (stay of trial, conviction or acquittal, etc.). It is further noteworthy that under Article 50 of the Broadcasters' Code of Conduct "when reporting on a probe into criminal case or a trial, a broadcaster shall report on final decision and take all reasonable measures to avoid any unjustified harm to reputation of an individual concerned."

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According to the official statement published on Public Broadcaster's website, when preparing the report the journalist was guided by the introduction the April 19, 2007 resolution of K. Nikabadze, prosecutor at the investigating unit of Tbilisi Prosecutor's Office, instead of a verdict delivered in the case. It once again proves that the standards of ethic and due accuracy were violated in the process of preparing the report.

It is also noteworthy that according to the Constitution of Georgia, An individual shall be presumed innocent until the commission of an offence by him/her is proved in accordance with the procedure prescribed by law and under a final judgment of conviction. Therefore, it is unacceptable to deem an individual as criminal, a member of an armed gang, based solely on the resolution of prosecutor's office.

GYLA would like to once more reaffirm that it is respectful of the decision of legal entity of public law Public Broadcaster's Board of Trustees and calls on the Public Broadcaster to fully comply with the decision of the appellate body of self-regulation.