



საგარეო ურთიერთობების
მ. პარიზი
AMBASSADE DE GEORGIE
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Mr. Tawfik Jelassi
Assistant Director-General
Communication and Information Sector

30 May 2022

Dear Mr. Jelassi,

Following your letter dated 4 March 2022, please find attached:

Table model with filled in section 2: positive or innovative measures the Member State is taking to promote safety of journalists and combat impunity provided by the Ministry of Internal Affairs of Georgia and **section 3:** Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of their work provided by the Administration of the Government of Georgia.

The updated information concerning Mr. Alexander Lashkarava's case provided by the Prosecution Service of Georgia, Office of the Prosecutor General of Georgia;

The information on the investigation concerning Mr. Alexander Lashkarava's case provided by the Ministry of Internal Affairs of Georgia.

Please, be also informed that Georgian Government for the purpose of transparency agrees and authorizes UNESCO to make the submitted information publicly available on the dedicated UNESCO webpage.

Yours sincerely,

Paata Matchavariani
Chargé D'affaires

Model Table assisting responses by Member States

Section 1: Table

Current List of Journalists Killed (as condemned by the UNESCO Director-General) and Legal Investigations (as reported by UNESCO Member States)

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks

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Section 2: Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity

Activity	Actors	Outcome(s)
<p>In 2018, Human Rights Protection and Investigation Quality Monitoring Department was established within the Ministry of Internal Affairs of Georgia.</p>	<p>Ministry of Internal Affairs of Georgia</p>	<ul style="list-style-type: none"> – Department is in charge of ensuring prompt response and quality of investigation of domestic violence, hate crime, violence against women, human trafficking, crimes committed by/towards minors and those based on discrimination. In 2019, the mandate of the department was extended to include the monitoring of the quality of the investigation concerning crime against human life and health. Furthermore, considering the current criminal situation and priorities of criminal law policy, the department is monitoring investigations on other criminal conduct covered by the Criminal Code of Georgia. – Within its mandate, Human Rights Protection and Investigation Quality Monitoring Department is overseeing the quality of the police units’ response to the criminal and administrative infringements in the country, controlling the response procedures to the reports be conducted according to the accurate procedural rules. – Human Rights Protection and Investigation Quality Monitoring Department, after examining and analyzing cases, provides the statistics and develops document of tendencies highlighting pressing topics and vulnerable groups. When necessary, the respective legislative initiatives and/or recommendations are submitted, as well as interdisciplinary meetings, case conferences and other activities are organized regarding the pressing issues. – In the report ‘On the Situation of Protection of Human Rights and Freedoms in Georgia’ in 2020 the public defender made a recommendation to the MIA to start producing special statistics, which reflect not only the cases of unlawful interference with a journalist's professional activities, but also all criminal acts committed against journalists related to their professional activities.

- The signature of the Memorandum of Understanding among the Ministry of Internal Affairs, Office of the General Prosecutor, Supreme Court of Georgia, National Statistics Office of Georgia aiming at establishment of a unified system of the data on crimes committed based on discrimination with the motive of intolerance on 23rd of September 2020 should be noted. According to the document, the data gathering is based on a new, unified methodology. Memorandum of Understanding on data of crimes committed based on discrimination with the motive of intolerance and publication of a unified report, as well as the segregated data, that is in accordance with the international standards of personal data protection, are available for all interested persons both in Georgian and English on the webpage of the National Statistics Office.
- According to the statistics compiled by the information center of the Information-Analytical Department of the MIA, in 2016, 6 cases were investigated according to the Article 154 of the Criminal Code of Georgia (which entails “unlawful interference with journalists’ professional activity”), in 2017 – 2, in 2018 – 12, in 2019 – 13, in 2020 – 7 and in 2021 – 13 cases were investigated.

Section 3: Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of their work

The freedom of speech and expression is recognized and protected under the Constitution of Georgia. According to the article 17 of the Constitution “Freedom of opinion and the expression of opinion shall be protected. No one shall be persecuted because of his/her opinion or for expressing his/her opinion“.

Article 154 of the Criminal Code of Georgia (1999) regulates the punishment for the unlawful interference with journalist’s professional activities. The same act committed using threat of violence or official position is an aggravating circumstance.

Furthermore, it is important to note that commission of the crime on the bases of gender constitutes an aggravating circumstance for liability of crimes under the Criminal Code. Namely, Article 53¹ of the Criminal Code of Georgia stipulates that “the commission of crime on the basis of race, skin colour, language, sex, sexual orientation, gender, gender identity, age, religion, political or other views, disability, citizenship, national, ethnic or social affiliation, origin, property or birth status, place of residence or other signs of discrimination with the reason of intolerance shall be an aggravating factor for liability for all respective crimes.”

In 2014, the Law of Georgia on the Elimination of All Forms of Discrimination was adopted.

The law on Elimination of all Forms of Discrimination (Article 1) ensures equal rights for every natural and legal persons under the legislation of Georgia, irrespective of sex, profession, etc. The law covers all kinds of expressions and forms of direct or indirect discrimination, including acts of segregation, discrimination by association and announced intention to discriminate.

It should be highlighted that the Special Investigative Service which is an independent investigative mechanism, is responsible for the impartial and effective investigation of unlawful interference with the journalist’s professional activities together with the crimes prescribed by the Article 19 of the Law of Georgia on the Special Investigative Service.

Apart from this, Ministry of Internal Affairs issued the order №1002 of December 30, 2015 "Guidelines for the conduct of employees of the MIA of Georgia during assemblies and demonstrations". According to the guidelines, police takes special measures in advance to ensure the safety and security of journalists during assemblies and demonstrations in order to prevent attacks on journalists.

Lastly, freedom of speech and expression always has been a priority of the strategic documents of the Government of Georgia. They were duly mentioned in the first National Human Rights Strategy 2014-2020 and three follow-up action plans. The second National Human Rights Strategy, which is now in its final stage of elaboration, will also pay sufficient attention to the protection of journalists from interference in their professional work through an effective response mechanism and investigation.

Section 4: Agreement to post the submitted information on UNESCO's dedicated webpage

Georgian Government for the purpose of transparency agrees and authorizes UNESCO to make the submitted information publicly available on the dedicated webpage



**Information on the investigation into the criminal case regarding the attack on TV Pirveli
Journalist, Aleksandre Lashkarava on July 5, 2021**

The Ministry of Internal Affairs remains committed to protect and promote human rights and fundamental freedoms guaranteed by the Constitution of Georgia and International Treaties, as well as takes all measures to ensure that freedom of expression and peaceful assembly are exercised.

It is also noteworthy that the existence of pluralistic media in the country represents one of the most significant achievements for Georgia, which is the cornerstone in building democracy and its protection is our main goal.

There are several aspects in relation to Pride Week in Tbilisi that needs to be emphasized:

With the purpose of ensuring the safe environment during Tbilisi Pride Week, starting from the preparatory period, the Ministry of Internal Affairs held systematic meetings with the organizers of the event. The meetings aimed at planning preventive measures and eliminating possible violence acts against participants of the events scheduled within the Pride Week from the side of the opposing groups.

As a result of effective cooperation, the Ministry of Internal Affairs succeeded to ensure safety and security of the participants during the events of the 1st and 3rd July, which was positively assessed by the Tbilisi Pride organizers, as well as by different local and international organizations.

Concerning 5th July event, the Ministry of Internal Affairs repeatedly explained to the organizers that, considering the pre-announced rally of the opposing group, as well as past experiences and analysis of the existing circumstances, it would be highly risky and precarious to perform the final event, March of Dignity in the format of pacing on the Rustaveli Avenue in terms of protecting the safety of the participants.

To ensure more protection, the organizers of the Week were offered to consider alternative location and arrangement for performing the march, however, they were persistent in not considering changing the format of the event.

On July 5th, the Ministry of Internal Affairs provided maximum mobilization of police forces throughout the city to allow Pride participants to exercise their constitutional right to march, and simultaneously to ensure their safety.

The unfortunate developments of 5th of July, raised questions and caused sincere concerns among our partners. Georgia has created a safe and free environment for the journalists' professional activities, as also pointed out in the Public Defender's latest report. The violent acts against media representatives on July 5 were spontaneous with no reasonable precondition of possible massive attacks. The police forces mobilized on the ground, took all appropriate measures to respond to and prevent all violent attacks in a timely manner.

The Ministry of Internal Affairs immediately launched the investigations regarding the violent acts that occurred on July 5-6, 2021, including violent acts committed against TV Pirveli Journalist Aleksandre Lashkarava:

The investigation is in progress and as a result of the undertaken measures a total of 31 people were arrested: 3 individuals for the attack on the Tbilisi Pride office, and 28 individuals on charges of violence against journalists. Out of this 28 people, 6 individuals were arrested for committing criminal offence against the media operating group TV Pirveli, Miranda Baghaturia and Aleksandre Lashkarava.

In addition, as the result of above-mentioned events, 60 individuals were recognized as victims; 48 out of them are media representatives, 11 other individuals and 1 legal entity. Furthermore, hearing on merits in the criminal cases against 28 out of above-mentioned 31 defendants have been completed, while the criminal cases against 3 defendants regarding the attack on the Tbilisi Pride office are at the stage of hearing on merits.

As for the tragic death of TV Pirveli journalist Aleksandre Lashkarava on July 11, 2021, it should be noted that based on the conducted investigation, as well as forensic medical report issued by the Levan Samkharauli National Forensics Bureau, the Bureau found that direct cause of the death of Alexandre Lashkarava should be considered acute cardiovascular and respiratory failure caused by the drug intoxication.

INFORMATION

On Criminal Case #007110721004

On July 11, 2021, Fifth Unit, Vake-Saburtalo Main Unit, Tbilisi Police Department, Ministry of Internal Affairs of Georgia launched an investigation into criminal case #007110721004 – inciting Aleksandre Lashkarava to commit suicide. This is the crime punishable under Article 115 §1 of the Criminal Code of Georgia.

The investigation was launched based on report #1800135 received by Fifth Unit, Vake Saburtalo Main Unit, Tbilisi Police Department, Ministry of Internal Affairs of Georgia. According to the report, T. K. found TV Pirveli cameraman Aleksandre Lashkarava (patronymic: Merabi; born on December 2, 1983) dead in his bedroom in #129 apartment, #37 Platon Ioseliani Street, Tbilisi.

Over the course of the investigation, it was revealed that TV Pirveli cameraman Aleksandre Lashkarava (patronymic: Merabi) passed away in #129 apartment, #37 Platon Ioseliani Street, Tbilisi on July 11, 2021 due to an acute cardiovascular and respiratory failure developed as a result of heroin intoxication (injection sites in both inguinal areas).

It has been established that on July 10, 2021, at about 15:30, Aleksandre Lashkarava was in #10 apartment, #45 Balanchivadze Street, Tbilisi. The apartment belonged to his friend N. N. Later, N. N. and Aleksandre Lashkarava headed towards Ponichala by N. N.'s scooter to buy a narcotic substance for personal use. On their way, Aleksandre Lashkarava bought a psychotropic drug at a pharmacy on Bakhtrioni Street in Tbilisi and took it. As Aleksandre Lashkarava was told in Ponichala that the narcotic substance would be handed over to him in Ortachala, he and N. N. went to Ortachala and waited for the drugs there. Since the drugs were not delivered, they went back to Ponichala, near #49 Tsurtaveli Street in the evening of the same day and bought the narcotic substance there. Afterwards, together with other individuals identified by the investigation, they headed towards the woods near Saints Joachim and Anne Medical Center at #95 Vakhtang Gorgasali Street, Tbilisi to split the drugs among each other. At about 22:00, after splitting the drugs, Aleksandre Lashkarava injected himself with the so-called street heroin. After this, he became unwell, collapsed and became unresponsive. N. N. tried to wake him up and then went to the nearby medical center for help, where he asked the doctors for Narcan. However, his request was denied. Subsequently, N. N. went back to Aleksandre Lashkarava, who was feeling better and they rode the scooter to Dedaena Park near the Public Hall in Tbilisi. After walking in Dedaena Park for about an hour, Aleksandre Lashkarava and

N. N. took a minibus to the residential building. Aleksandre Lashkarava arrived home on July 11, 2021, at about 00:10. At around 06:00, his mother T. K. found him dead in his bedroom.

According to the forensic medical examination report #004841921, based on the data of forensic medical and chemical-toxicological examination, the cause of Aleksandre Lashkarava's death was an acute cardiovascular and respiratory failure developed as a result of heroin intoxication (injection sites in both inguinal areas).

There were hemorrhages on the skin and in subcutaneous fat in both of Aleksandre Lashkarava's inguinal areas. The one on the left side had occurred from 5 minutes to 1 hour prior to death, whereas the one on the right – from 30 minutes to 4 hours prior to death.

There were following *ante mortem* injuries on Aleksandre Lashkarava's body: a hemorrhage in the left eye socket area with hemosinusitis and a multi-fragmental fracture of the medial wall of the left orbit (ethmoidal air cells) and left orbital floor (maxilla), as well as various hemorrhages and scratch marks on the body. According to medical records, he had: a concussion, traumatic corneal erosion and commotio retinae. The age of the injuries does not contradict the date of Aleksandre Lashkarava's hospitalization (July 5, 2021). The injuries were inflicted by an impact of a solid blunt object. When determining the degree of the bodily injuries during the forensic examination, the entirety of injuries are characterized as less serious and do not have any causal link to the lethal outcome.

Chemical-toxicological examination of the blood samples collected from Aleksandre Lashkarava's body detected the following narcotic substances: 118.0 ng/ml of morphine, 18.1 ng/ml of codeine and 15.1ng/m of 6-monoacetylmorphine. Narcotic substances – heroin, morphine, codeine and 6-monoacetylmorphine were detected in the internal organ samples. Lethal concentration of morphine in human blood varies between 0.01 and 1.7mg/l. As for 6-monoacetylmorphine, the range is 0-0.53mg/l. Considering the forensic autopsy data and the concentration of heroin metabolites detected in the blood samples collected from the body – 15.1 ng/ml (0.0151 mg/l) of 6-monoacetylmorphine and 118 ng/ml (0.118 mg/l) of morphine – the cause of death was an overdose of the aforementioned narcotic substances.

All the experts having signed the forensic medical examination report were interviewed, including A. G., who participates in the case as an independent expert on the initiative of Aleksandre Lashkarava's family. A. G. fully agreed with the content of the issued forensic examination report.

Within the scope of the investigation into the sale of narcotic substances to Aleksandre Lashkarava and others, F. A. (DoB: 20.11.1987) was arrested in relation to criminal case #007130721009 on the charges of sale of a large amount of narcotic substances and illegal

purchase and storage of a particularly large amount of narcotic substances. By its Judgment of February 11, 2022, Tbilisi City Court found him guilty under Article 260 §5 (a) and §6 (a) of the Criminal Code of Georgia (illegal sale of a narcotic substance, its analogue, precursor or a new psychoactive agent in an especially large amount) and sentenced him to imprisonment for a term of eight years.

By its Judgment of April 4, 2022, Tbilisi City Court found the six individuals charged with violence against TV Pirveli cameraman Aleksandre Lashkarava committed on July 5, 2021 guilty under Article 225 §2 (participation in group violence), Article 156 §2 (a) and (c) (persecution related to professional activity, committed using violence and having caused considerable damage), Article 154 §2 (unlawful interference with a journalist's professional activities, committed by threat of violence), and Article 118 §3 (less serious intentional bodily injury committed in relation to the victim's professional activity) of the Criminal Code of Georgia and sentenced each of them to imprisonment for a term of five years.