

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 22026/10
Giorgi AKHVLEDIANI against Georgia
and 9 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 6 March 2012 as a Chamber composed of:

Josep Casadevall, *President,*
Corneliu Bîrsan,
Egbert Myjer,
Ján Šikuta,
Ineta Ziemele,
Nona Tsotsoria,
Kristina Pardalos, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged on 30 March and 15 April 2010,

Having deliberated, decides as follows:

THE FACTS

1. The applicants, whose names are listed in the appendix to the decision, are Georgian nationals. They were represented before the Court by Ms Lia Mukhashavria and Mr Nika Kvaratskhelia, lawyers at Human Rights Priority, a non-governmental organsation in Tbilisi.

2. The facts of the case, as submitted by the applicants, may be summarised as follows.

A. Police raid on Imedi television

3. The applicants were all employed as journalists by Imedi Media Holding, a private television and radio company formerly owned by the late Georgian media tycoon B.P. and by Rupert Murdoch's News Corporation. According to the case-file materials, the applicants were not shareholders in that company.

4. In the autumn of 2007, large-scale demonstrations led by a collection of opposition parties took place in Tbilisi, protesting against the President of Georgia and his Government. These demonstrations, to which B.P. was sympathetic, were initially peaceful but turned violent on 7 November 2007 when the police, using various harsh anti-riot tactics, dislodged the demonstrators from land adjoining the House of Parliament, preventing them from resuming their protests.

5. All major television stations in Georgia, including Imedi, broadcast live footage of the dispersal of the demonstrators on that day.

6. Later in the evening of 7 November 2007, without warning and without possession of a court order, hundreds of people armed with automatic weapons broke into the Imedi television station headquarters, causing the station to be taken off the air. The troops forced the Imedi staff members, including six of the applicants (see paragraph 12 below), to lie on the floor with their hands behind their heads. Some of the captive journalists were verbally insulted and threatened at gunpoint. After holding the staff members, including the applicants, in the above-mentioned conditions for 20-30 minutes, the police forced them out of the building, destroying much of the company's television equipment and its video archive ("the police raid on Imedi"). Many other staff members of the television, including the remaining four applicants, were, in the meantime, gathered in a street adjacent to the building.

7. Qualifying the events of 7 November 2007 as an attempted *coup d'état*, the President of Georgia declared a nationwide state of emergency later that day which lasted until 16 November 2007. On 8 November 2007 the Georgian National Communications Commission ("the GNCC") suspended Imedi's broadcasting licence, citing violations of broadcasting law by the company.

8. On 7 December 2007 the police finally allowed the Imedi staff members, including the applicants, to re-enter their offices in the television station for the first time. On 12 December 2007 the GNCC lifted the broadcast ban on Imedi.

9. Subsequently, and notably after B.P.'s death on 13 February 2008, a row concerning the question of ownership of Imedi broke out between the late tycoon's family and certain other persons. That confusion, and the company management's subsequent decision to suspend the television broadcasts again, led most of its leading journalists, including the

applicants, to leave their jobs at Imedi in the first half of 2008. In May 2008 Imedi television, already running under new management, started broadcasting again.

B. Legal steps undertaken by the applicants

10. For more than two years after the police raid on Imedi on 7 November 2007, the applicants did not attempt to complain about the actions of the police before any of the domestic authorities. It was only after Human Rights Priority, a human rights advocacy centre known in Georgia for specialising in bringing applications to the Court, had publicly declared its readiness to assist victims of the police raid on Imedi, that all ten applicants simultaneously filed complaints, on 4 and 22 December 2009, with the Tbilisi City public prosecutor's office requesting the initiation of a criminal investigation into the circumstances of that raid.

11. On 14 December 2009 the prosecution authority informed the applicants that their criminal complaints had been transmitted to the investigative unit of the Chief Public Prosecutor's Office for further action. It is not clear from the case file whether or not a criminal investigation has been opened on the basis of those complaints, and if so, what stage it has reached.

COMPLAINTS

12. Relying on Articles 3 and 8 of the Convention, invoked separately and in conjunction with Article 13, all ten applicants complained that they had been subjected to various forms of ill-treatment during the police raid on Imedi on 7 November 2007 which had had a deleterious effect on their personal and professional life, and that the relevant domestic authorities had failed in their positive obligation to investigate the incident in a timely and efficient manner. Some of the applicants (Mr Moseshvili, Mrs Trapaidze, Mr Kalandadze, Mrs Sitchinava, Mr Mezurnishvili and Mrs Gochashvili) also complained under Article 5 of the Convention, invoked separately and in conjunction with Article 13, of the unlawful deprivation of their liberty by the riot police in the Imedi television building on that day.

13. All ten applicants also complained, under Article 10 of the Convention and on behalf of the Imedi company, of the unlawful suspension of the company's broadcasting licence in the period between 8 and 16 November 2007, which interference they considered to have been politically motivated, in breach of Article 14 of the Convention and Article 1 of Protocol No. 12.

THE LAW

14. Pursuant to Rule 42 § 1 of the Rules of Court, the Court decides to join the applications, given their common factual and legal background.

A. As regards the complaints under Articles 3, 5, 8 and 13 of the Convention

15. The Court notes that the complaints under Articles 3, 5, 8 and 13 of the Convention concern the events which took place on the premises of the Imedi television station during the police raid on 7 November 2007.

16. The Court further notes that in the parts of the application forms reserved for statements relating to admissibility issues under Article 35 § 1 of the Convention, the applicants claimed that they should be exempted, in their particular situation, from the obligation to wait endlessly for the final outcome of the criminal investigation which they had duly requested the public prosecutor to open on 4 and 22 December 2009.

17. The Court considers that it cannot determine the admissibility of the above-mentioned complaints on the basis of the case file alone. It is therefore necessary, in accordance with Rule 54 § 2 (b) of the Rules of Court, to give notice of the application to the respondent Government.

B. As regards the complaints under Articles 10 and 14 of the Convention and Article 1 of Protocol No. 12

18. The Court notes that the suspension of the Imedi's broadcasting licence affected the interests of the media company, as a separate legal entity capable of acting on its own. Consequently, the applicants, who were ordinary employees of that company at the material time (see paragraph 3 above), cannot claim standing to raise this issue on behalf of Imedi (see, for instance, *Meltex Ltd and Movsesyan v. Armenia*, no. 32283/04, §§ 66-68, 17 June 2008), and their complaints under Articles 10 and 14 of the Convention and Article 1 of Protocol No. 12 are thus incompatible *ratione personae* under Article 35 § 3 Convention and must be rejected in accordance with Article 35 § 4.

For these reasons, the Court

Decides unanimously to join the applications;

Decides by a majority to adjourn the examination of the complaints under Articles 3, 5 (as raised by Mr Moseshvili, Mrs Trapaidze, Mr Kalandadze, Mrs Sitchinava, Mr Mezurnishvili and Mrs Gochashvili), 8 and 13 of the Convention;

Declares unanimously the remainder of the complaints inadmissible.

Marialena Tsirli	Josep Casadevall
Deputy Registrar	President

Appendix to the decision

List of the applications

No.	Application no.	Lodged on	Applicant name Date of birth Place of residence
1.	22026/10	30/03/2010	**Mr Giorgi AKHVLEDIANI** 07/01/1974 Tbilisi
2.	22043/10	30/03/2010	**Mr Irakli MOSESHVILI** 25/07/1971 Tbilisi
3.	22078/10	30/03/2010	**Mrs Diana TRAPAIDZE** 26/04/1976 Tbilisi
4.	22097/10	30/03/2010	**Mr Joni KALANDADZE** 03/05/1972 Tbilisi
5.	22128/10	30/03/2010	**Mrs Thea SITCHINAVA** 22/12/1977 Tbilisi
6.	27480/10	15/04/2010	**Mrs Nino TSKHVARASHVILI** 11/12/1975 Tbilisi
7.	27534/10	15/04/2010	**Mr Tengiz MEZURNISHVILI** 22/10/1974 Tbilisi
8.	27551/10	15/04/2010	**Mrs Ana GOCHASHVILI** 13/06/1983 Tbilisi
9.	27572/10	15/04/2010	**Mrs Nino SAKVARELIDZE** 29/05/1979 Tbilisi
10.	27583/10	15/04/2010	**Mr Giorgi RUKHADZE** 15/04/1975 Tbilisi