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INSTITUTE FOR DEVELOPMENT OF  
FREEDOM OF INFORMATION



**Institute for Development of Freedom of Information**

# **Internet Freedom in Georgia**

**REPORT №5**

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The report was prepared within the framework of the project Promoting Internet Freedom in the South Caucasus. The project is being implemented by Free Press Unlimited and regional partner Institute for Development of Freedom of Information (IDFI).

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**Tbilisi**

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## **Summary**

The analysis of freedom of expression on the Internet in Georgia, government policies in terms of developing Internet infrastructure and protection of Internet users' rights revealed the following tendencies over the last year in Georgia:

- Internet penetration rate continues to grow steadily; nonetheless, hindrances such as high costs, low quality of services, poor infrastructure, especially in rural areas remain.
- Even though more than 130 Internet Service Providers are registered in Georgia, Internet market is mostly dominated by two operators.
- During the coverage period, the government announced its intention to construct a trunk cable system (broadband infrastructure) bringing internet to individual users of about 2,000 settlements by 2017. However, as specialists claim, representatives of private sector, non-governmental organizations, as well as the Data Protection Inspector were not sufficiently involved at the planning stage and the project itself lacks a comprehensive strategy, since it was not elaborated based on a thorough analysis of the Internet market. Most significantly, small operators do not have sufficient guarantees that major operators will not monopolize the newly constructed network in future.
- Online media is becoming diverse; therefore it represents a variety of groups and viewpoints. There are several trustworthy online news agencies; however, media outlets, publishing biased and unreliable media content, including anti-Western propaganda, have proliferated.
- There were no reported cases of online news outlets being subject to government pressure; however some online media representatives expressed concerns over obtaining public information from certain public institutions in a timely manner. The proliferation of online news agencies having particular political preferences was observed. It contributed to further polarization of online media, since they are connected either to the government or the opposition.
- Self-censorship is pervasive and commonly practiced by civil servants. Though social users, bloggers and online activists express criticism of the government and use online tools for mobilizing like-minded people for a common cause.
- The impact of social networks and online applications in organizing offline protests has been considerably enhanced. In fact, social media has become the leading platform for citizens to criticize the government and react to alleged wrongdoings. Several cases where online activism contributed to policy changes were observed.

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- On June 12, 2015, “public calls for violent actions” became punishable. The amendment of the Criminal Code of Georgia was preceded by sharp public discussions. Human rights advocates noted that taking into account the Georgian context, where law enforcement agencies are ineffective and passive when it comes to protection of minority rights, such amendments could result in “limiting freedom of expression and strengthening the dominant social and moral discourse.”
- A “two-key” system for authorizing surveillance was established, according to which the Ministry of Internal Affairs has retained its direct access to telecom operators’ servers, however, after obtaining a court warrant the Ministry shall require authorization, including a technical one, from the Personal Data Protection Inspector’s Office in order to carry out surveillance. Nevertheless, this “two-key system” did not apply to data transmitted through Internet. Also, recently leaked recordings of conversations between several politicians and public figures revived public concerns over illegal surveillance.

## **Introduction**

Within the framework of the project “Promoting Internet freedom in the South Caucasus” coordinated by Free Press Unlimited in partnership with the regional organizations, Institute for Development for Freedom of Information (IDFI) (Georgia), Yerevan Press Club (Armenia) and Institute for Reporters’ Freedom and Safety (Azerbaijan), IDFI has been conducting a comprehensive study of various directions of internet freedom, which aim at giving a better understanding of existing conditions and challenges in Georgia. In order to achieve these goals, the report covers various topics: overview of the existing Internet infrastructure, government policies, online censorship, blocking websites, particularities of online media, digital activism, legal environment in regards to protection of user rights and cases of violation of Internet user rights. This report primarily focuses on developments that occurred between 2014 and 2015.

Information presented in the study was obtained through the combination of various quantitative and qualitative methods. For the purposes of analyzing the latest developments and trends related to the use of the Internet in Georgia, media content was monitored, reports and publications on the mentioned issues were explored, and information about several cases related to freedom of expression on social networks was gathered. Besides, public information was requested from the Office of the Public Defender of Georgia in order to obtain data on cases of Internet user rights violations.

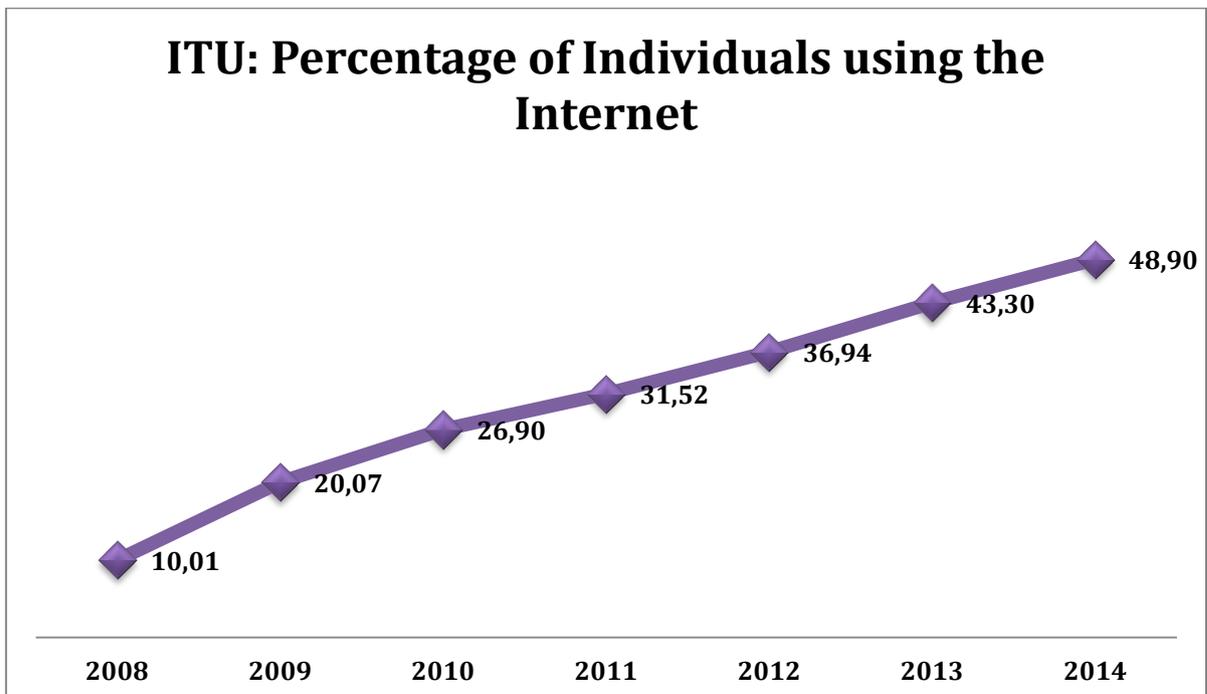
With regard to quantitative methods, statistical data of the International Telecommunication Union (ITU), the Georgian National Communications Commission (GNCC) and the Caucasus Research Resource Center (CRRC) were used.

## Obstacles to Access

### Internet User Profile

Over the past years, access to Internet has improved in Georgia. Nevertheless, challenges such as poor infrastructure, especially in regions, unaffordable prices and low speed of services remain to be resolved. In order to have a comprehensive picture in this regard, this part of the report explores recent developments in Internet infrastructure. Alongside Georgia's Internet policy, the study discusses tendencies in the use of the Internet by a range of variables, such as gender, region, age, education and income.

The latest available data from the International Telecommunications Union (ITU), a specialized Agency of the United Nations (UN) for information communication technologies, indicate that Internet accessibility reached 48.9 percent in 2014, up from 43.3 percent in 2013. In general, the pace of Internet growth remains gradual and steady.<sup>1</sup>

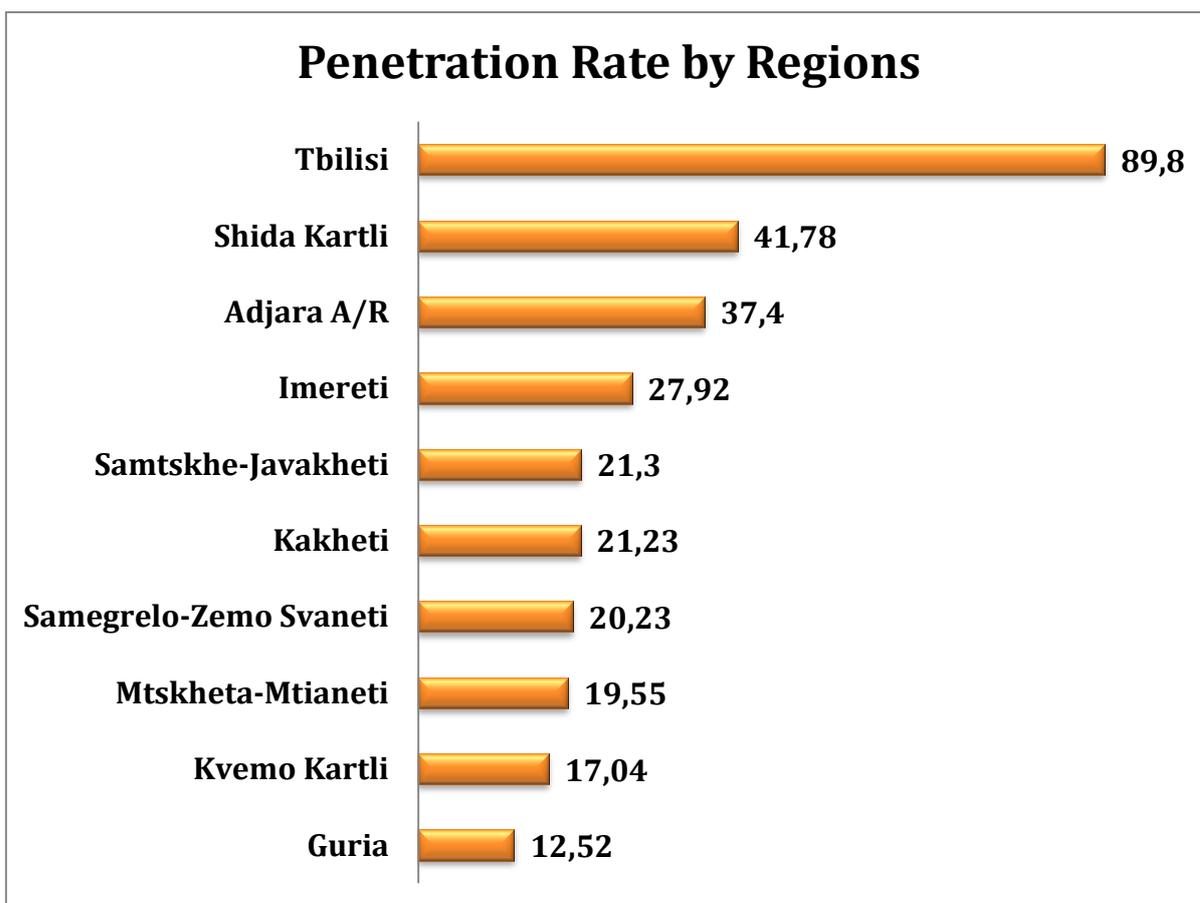


In order to have a clear and deep understanding on the Internet accessibility, the statistical data released by the Georgian National Communication Commission (GNCC) should be analyzed. The 2014 Annual Report of the Commission claims that the number of broadband internet subscribers stands at about 603 000, representing a 14.4 percent increase relative to the same period in 2013. When it comes to the Internet penetration rate; it equaled to 42.2 percent in 2014.

<sup>1</sup>International Telecommunications Union (ITU). *Statistics. Time Series By Country*. Retrieved from: <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

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It is noteworthy, that the digital map developed by GNCC on its analytical portal illustrates an uneven distribution of the Internet penetration rate by regions as of 2015. The chart below demonstrates disparities in Internet penetration among 11 regions of Georgia (the capital is considered separately, because Internet access and use vary dramatically from other regions). The figures show that Tbilisi enjoys 89.8 percent of penetration rate, followed by Shida Kartli and Imereti with 41.78 and 27.92 percent of penetration, respectively. The percentages vary between 21 and 19 for the following regions: Samtskhe-Javakheti, Kakheti, Samegrelo-Zemo Svaneti and Mtskheta-Mtianeti. The lowest level of the Internet penetration is recorded in Guria (12.52 percent), which is slightly exceeded by Kvemo Kartli in this regard (17.04 percent).<sup>2</sup>



In terms of technologies, the above-mentioned report by GNCC notes that majority of subscribers (52.2 percent) use optic-fiber technology, which is followed by DSL with 34.9 percent of usage, while WiFi and WiMax is utilized by 11.5 and 1.2 percent of subscribers, respectively. The remaining technologies, such as Canopy, satellite are used by 0.1 percent of the total number of broadband Internet subscribers.

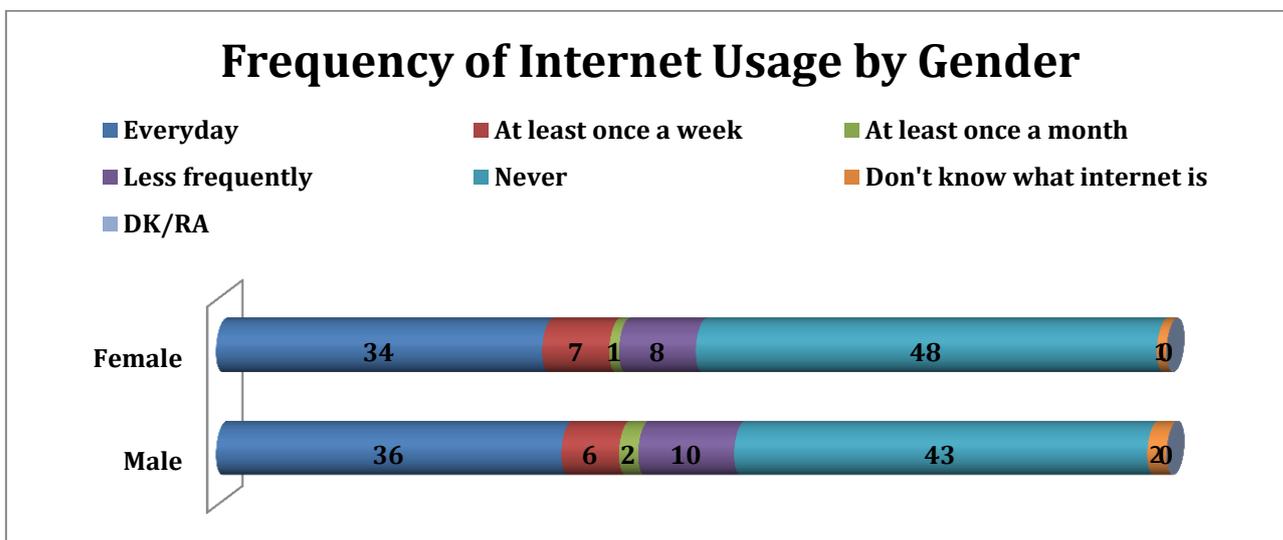
WiFi still remains as the most dynamically developing technology with a 46.5 percent of subscription growth in 2014 (69 700 subscribers in total). Apart from

<sup>2</sup>All the data is available on Analytical Portal of GNCC:  
<http://analytics.gncc.ge/en/statistics/?c=internet&f=subscribers&exp=penetrationbyregion&sid=66387>

this, a substantial majority of its users (75.7 percent) are rural dwellers, while only 24.3 percent of subscriptions are observed in big cities.<sup>3</sup>

Mobile Internet could play an important role in ensuring a good Internet connection for remote regions and villages. It is noteworthy, that according to the GNCC annual report, by the end of 2014, the amount of mobile users reached 5.4 million (8.2 percent of growth), while mobile phone penetration accounted for 120.5 percent. Most significantly, the number of mobile Internet subscriptions stood at 1.88 million (from 1.59 million) by the end of the reporting year.

More comprehensive tendencies regarding the Internet usage were shown in the results of the nation-wide survey on public policies undertaken by the Caucasus Research Resource Centers (CRRC) in 2015. In particular, the following chart illustrates variations in the use of the Internet by gender. As it was revealed, there is a slight gender gap in the frequency of browsing the Internet. While about 36 percent of male respondents are accessing the Internet on a daily basis, 34 percent of women had the same opportunity. At the same time, there is a 5 percent gender difference in the number of respondents who has never used this means of communication.<sup>4</sup> These figures correspond exactly to the ones issued by the ITU, according to which the percentage distribution of individuals using the Internet by gender is as follows: male – 44.7 percent and 42 percent – female.<sup>5</sup>

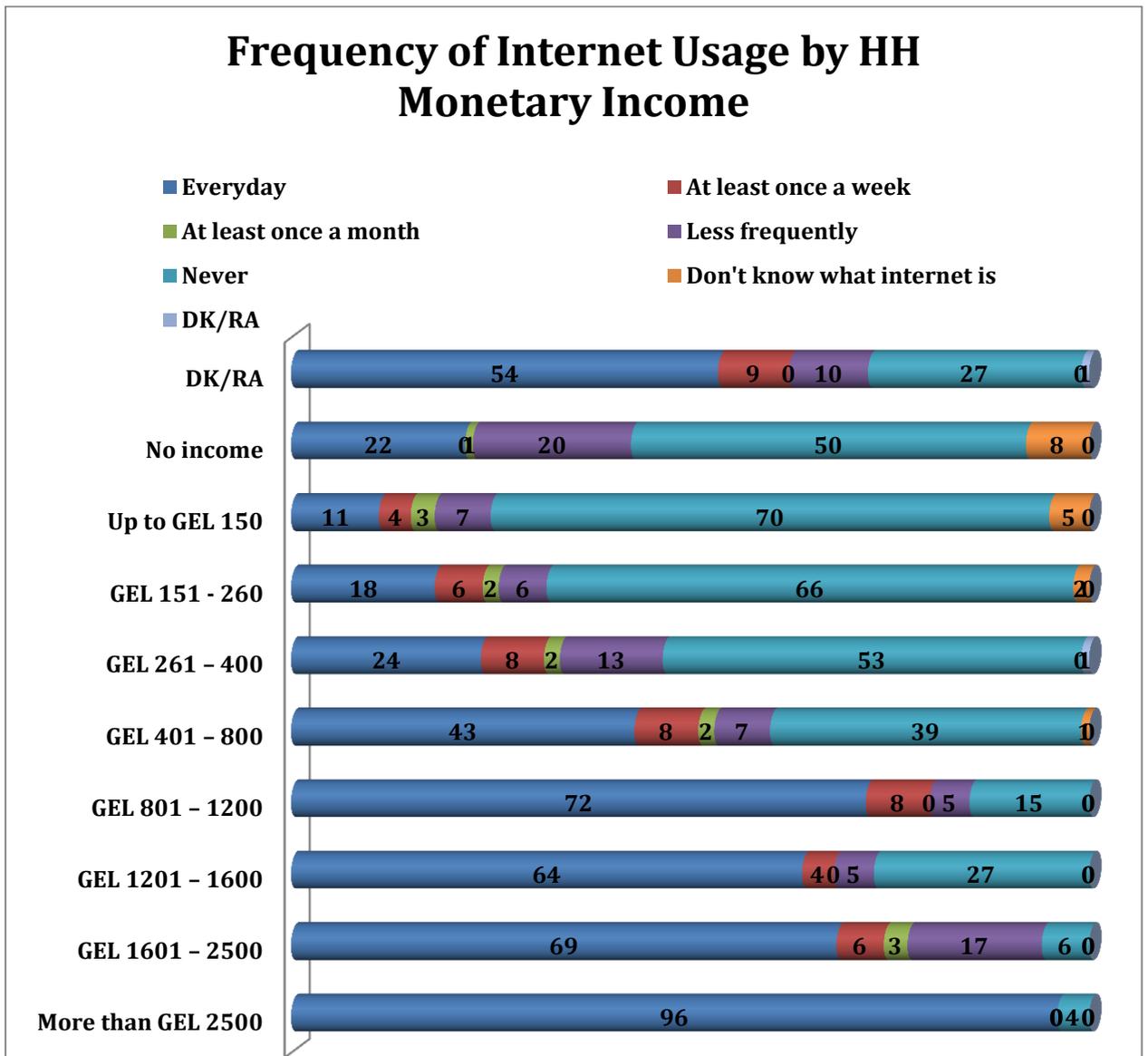


Aside from this, monetary income level and economic conditions appeared to have an obvious relevance to the frequency of Internet use. Precisely, people with substantial household incomes tend to have more frequent access to Internet. On the contrary, people with lower incomes have the lowest proportion of Internet use, since a substantial majority of them have not enjoyed access so far.

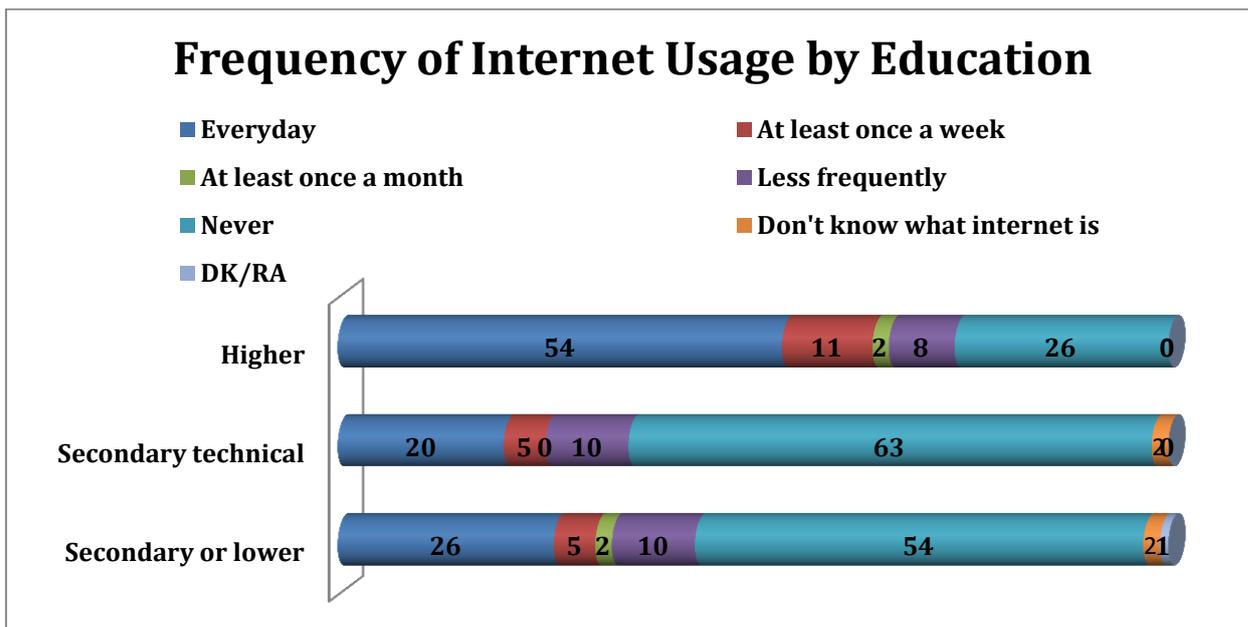
<sup>3</sup> GNCC. The 2014 Annual Report. Retrieved from: <http://gncc.ge/uploads/other/1/1344.pdf>

<sup>4</sup>The Caucasus Research Resource Centers. *Survey on Public Policies, 2015*. Retrieved through ODA - <http://caucasusbarometer.org> on 20.10.2015

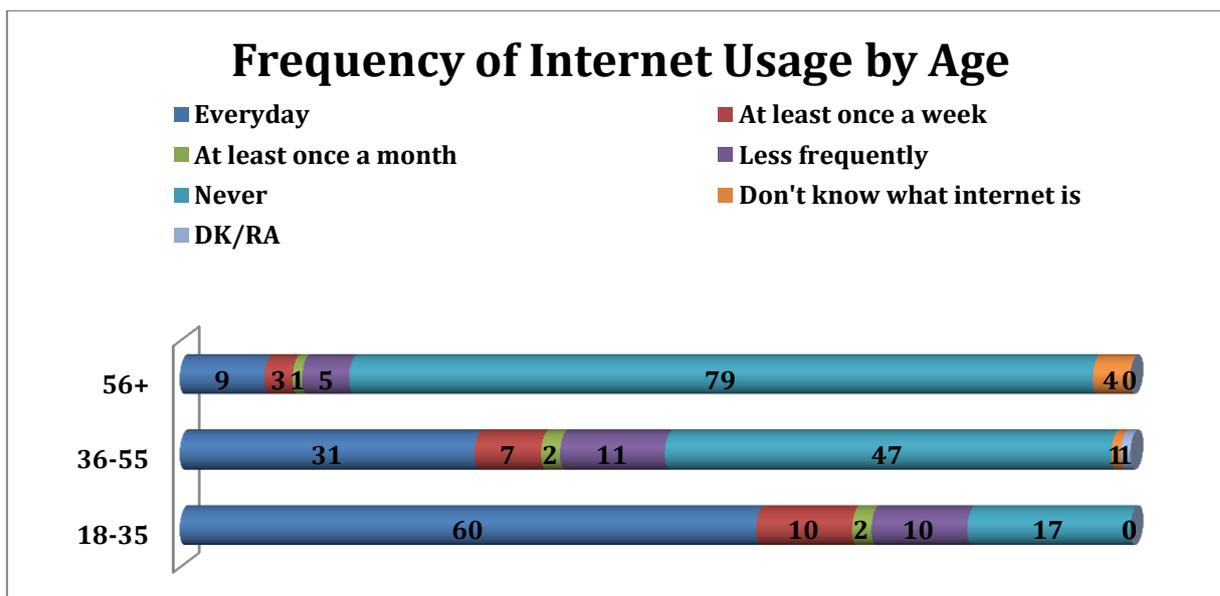
<sup>5</sup>International Telecommunications Union (ITU). *Gender ICT Statistics*. Retrieved from: <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>



Another crucial aspect of the issue is the level of education and its impact on trends in Internet usage. **Apparently, a vast majority of highly educated respondents have access to the Internet at least once a month or more frequently, while a quarter of them lacks such opportunity and had never used the Internet. On the contrary, quite a large majority of people with secondary education have never used this technology and only about a quarter of them could be perceived as frequent Internet users, accessing it on a daily basis.**



As it was expected, a considerable variation in the use of the Internet by age could be observed in Georgia. The chart below demonstrates an uneven distribution of frequent Internet users among different age groups.<sup>6</sup>



After discussing the factors affecting the usage of the Internet in Georgia, main obstacles should be highlighted as well. Surveys show that challenges such as economic burden, inappropriate prices for services, inadequate infrastructure, less necessity of internet and insufficient internet literacy remain.<sup>7</sup>

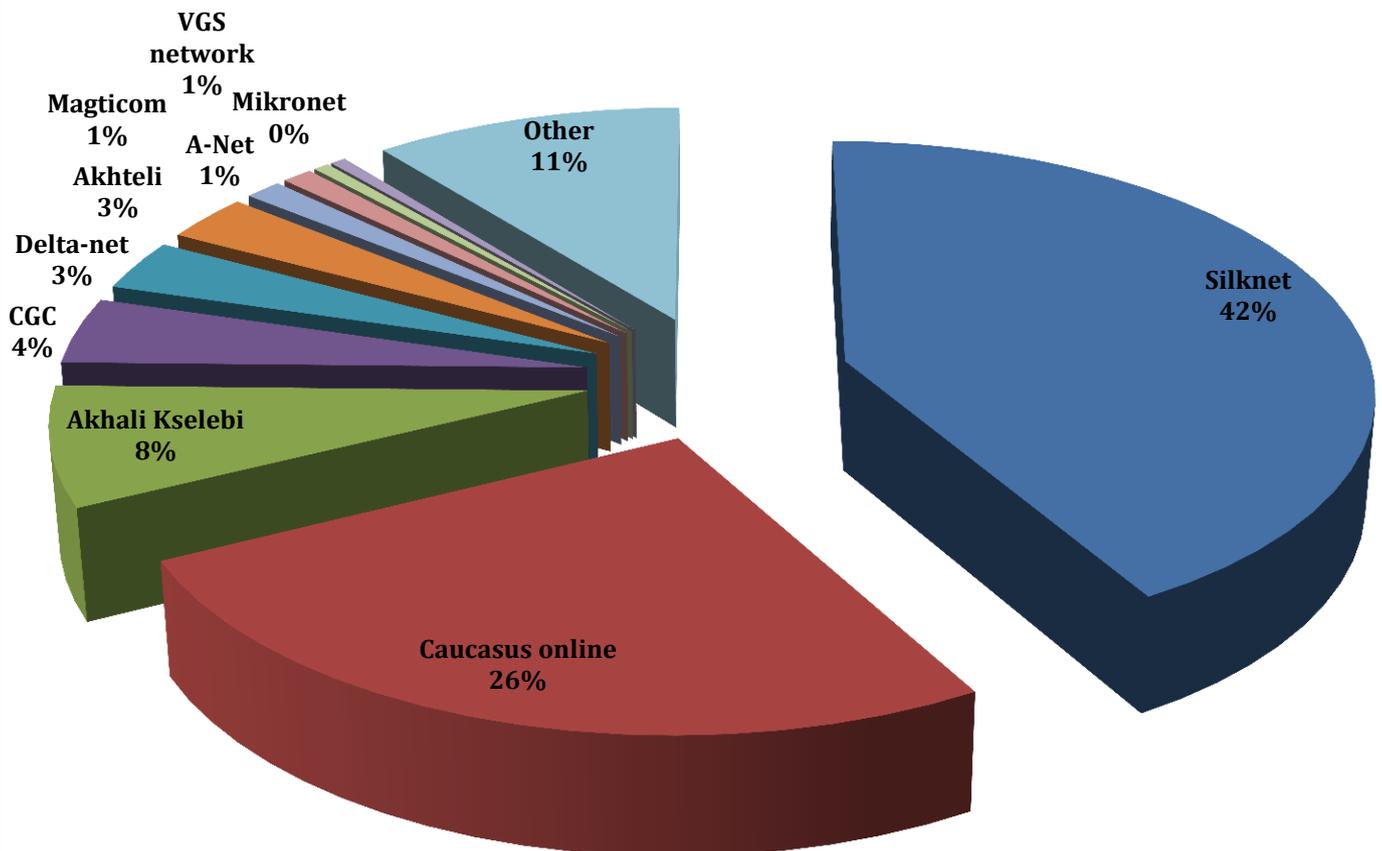
<sup>6</sup> The Caucasus Research Resource Centers. *Survey on Public Policies, 2015*. Retrieved through ODA - <http://caucasusbarometer.org> on 20.10.2015

<sup>7</sup> The Caucasus Research Resource Centers. *Caucasus Barometer, 2013*. Retrieved through ODA <http://caucasusbarometer.org/en/cb2013ge/NOINTWHY/> 20.10.2015

## Internet Market

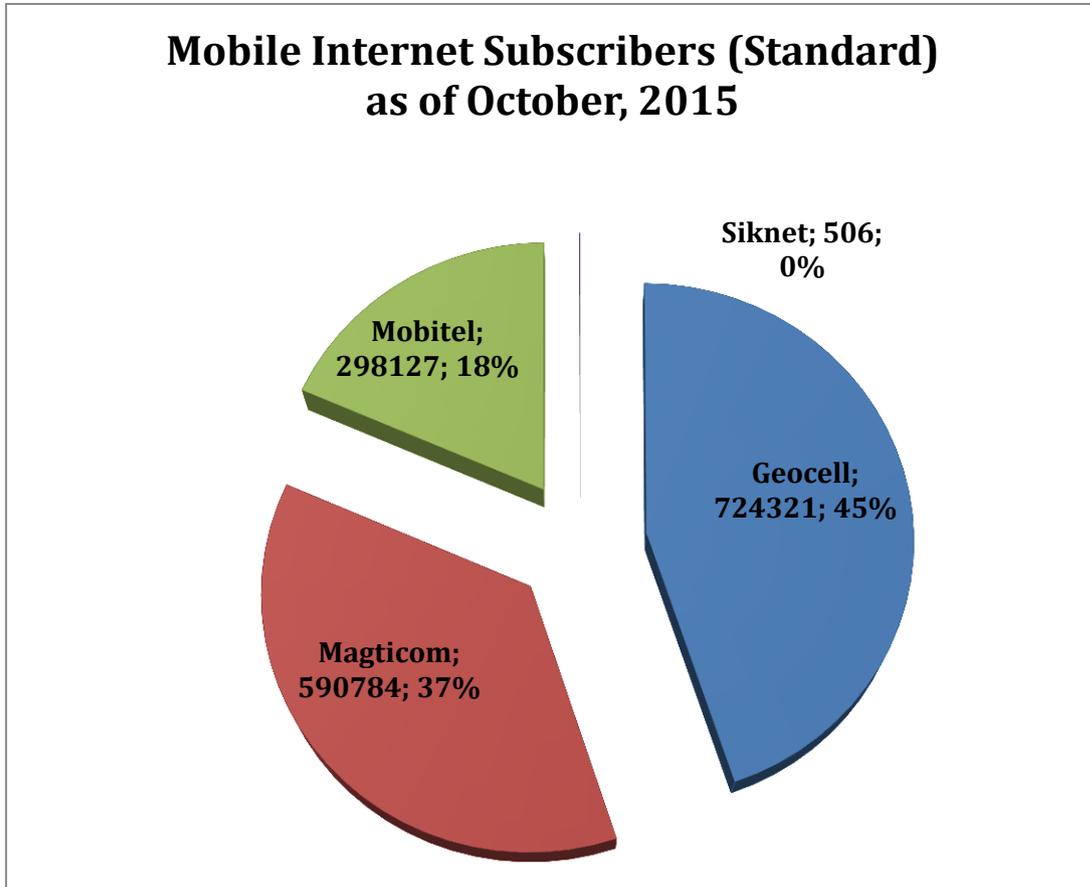
Another significant topic worth considering is competition on the Internet market, and the distribution of Internet users among various Internet Service Providers (ISPs). Even though, more than 130 ISPs are registered in Georgia; the market is mostly dominated by two operators. According to the analytical portal of the GNCC, as of August 15, 2015, Silknet is the leading Internet service provider with 42 percent of subscriptions. It is followed by Caucasus Online with a 26 percent of market share, while Akhali Kselebi, the third company in terms of the amount of subscribers possesses only 8 percent. More significantly, shares of the remaining 135 companies account for only 24 percent of the total market.

### Internet Subscribers by Companies



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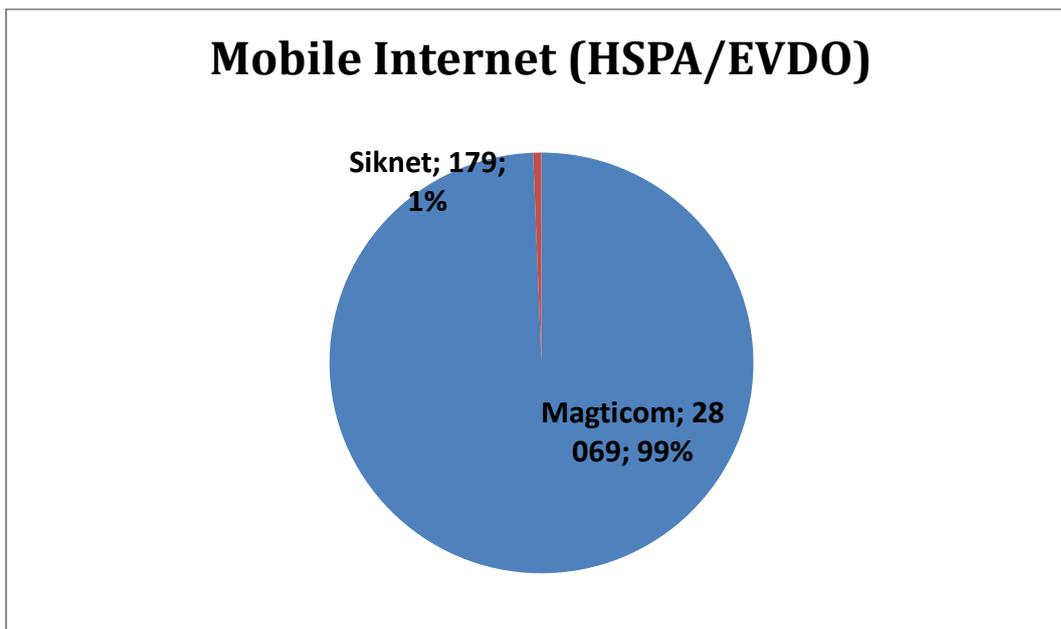
Similar to the market of broadband Internet, the market of mobile Internet is dominated by two major companies –in case of standard mobile Internet **Geocell holds 45 percent of the market share, while Magticom is supplier for about 37 percent of subscribers. They are followed by Mobitel with a share of only 18 percent.**<sup>8</sup>



In addition, Magticom provides approximately 28 070 mobile Internet users with HSVP/EVDO technologies.

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<sup>8</sup>GNCC Analytical Portal. <http://analytics.gncc.ge/>



Similar to previous years, all major ISPs are still owned by offshore shell companies. Hence, the issue of the ownership of telecommunication companies remains opaque. Caucasus Online was formed in 2006. Its shares are now registered on three offshore companies (International Online Networks Limited, a British Virgin Islands (BVI); Growth Master Holdings, a British investment fund, Island of Jersey and Nelgado Limited). It also owns a 1,200 kilometer undersea fiber-optic cable that runs across the Black Sea.

Silknet is a part of Silk Road Group, a conglomerate with businesses in transportation, telecommunications, banking, hotels and property development. It was set up in March, 2010 following the merger of Vanex Ltd, Adjara Telecommunications and United Telecom. Based on the latest available data, 100 percent of its shares are owned by a Maltese company, Rhinestream Holding Limited. As Transparency International Georgia reported, George Ramishvili, Alex Topuria and David Border represent beneficiary owners of Silknet and Silkroad group.<sup>9</sup>

In August, 2015 Silknet and Caucasus Online have filed an application to the GNCC asking for regulatory approval to create a merger of their business. Later, a proposal was submitted by Magticom to procure the internet retail service of Caucasus Online. These developments triggered grave public concern over further monopolization of the telecommunication sector. The Commission was expected to make a final decision within three months. It has launched an investigation to assess, upon approval, the potential impact on both the retail and wholesale internet markets.

Subsequently, one of the online news agencies, Kviris Palitra reported, that the main rationale behind this commercial deal is the above mentioned 1200-km-long cable, owned by Caucasus Online, receiving the Internet connection from Europe and then supplying it to

<sup>9</sup><http://www.transparency.ge/blog/kartuli-internetbazari-tsvlilebebis-molodinshi>

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three South Caucasian countries (Armenia – 85 percent, Azerbaijan – 50 percent and Georgia – 55 percent). Based on a confidential source, the news agency argued that instead of merging the two leading internet providers, they were planning to divide Caucasus Online into two parts. As a result, Magticom would acquire Caucasus Online’s subscribers and Silknet would be in charge of the 1200 km fiber-optic cable under the Black Sea.<sup>10</sup> Apart from such assumptions, the same news agency reported that Azerbaijan’s greatest internet provider “Azeronline” got interested in purchasing Caucasus Online’s internet cable.

On October 28, 2015, the regulatory body decided to cease general public administrative proceedings regarding prior consent of the merger of shares of the companies. As GNCC explained, both companies failed to submit the required documents to the Commission, necessary for examining the probability of possible restrictions to competition on the internet market after the merger. In consequence, their application was left without examination.<sup>11</sup> When it comes to Magticom, at the end of November, the company obtained a legal right from the Commission to acquire retail assets of Caucasus Online. Therefore, negotiations on exact details of the potential deal between the companies proceeded. However, Magticom has to compete with Mobitel, a Russian telecommunications operator, since the latter has recently appealed to the Commission with the request of prior approval for the acquisition of Caucasus Online’s retail assets.

Other circumstances surrounding the ownership of Caucasus Online are notable. After the change of government following the parliamentary elections in October 2012, Mamia Sanadiradze, the former owner of Caucasus Online accused high-ranking officials from the previous government of forcing him to give up his company. As he claimed, before he was forced to sell half of the company to GMC Group, fines of about GEL 11 million for different violations were imposed on Caucasus Online by the authorities, which brought the company to the edge of bankruptcy.<sup>12</sup> He filed a lawsuit in the Prosecutor’s Office of Georgia and the case is still under investigation.

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<sup>10</sup><http://www.kvirispalitra.ge/economic/26320-qtsyalqvesha-omiq-qarthuli-kabelisthvis-vin-chaigdebs-khelshi-1-200-kilometrian-strategiul-obieqts-egskluzivi.html>

<sup>11</sup>Georgian National Communications Commission. *The Commission Has Left the Application in Regard to the Merger of Shares Between JSC “Silknet” and “Caucasus Online” LTD without Examination*. 28.10.2015. Retrieved from: <http://bit.ly/1XJQoX8>

<sup>12</sup><http://www.netgazeti.ge/GE/105/News/14113/>  
<http://www.transparency.ge/blog/rashi-sdeben-brals-biznesmenebi-qopil-khelisuplebas>

### Regulatory Body

The main agency responsible for responding to appeals of citizens on internet-related issues is the regulatory body, Georgian National Communication Commission (GNCC). As this institution has always been a matter of controversy for the general public, several measures have been taken over the past years in order to enhance its autonomy. For instance, a new Public Defender of the Consumers' Rights under GNCC was elected in 2014. Moreover, new rules of the nomination of candidates and the selection of the Head of Commission were introduced in 2013. Nevertheless, recent developments strengthened concerns about its dependence on the central government.

The Advisor to the Chairman of the Georgian National Communications Commission, Zaza Mazmishvili, appointed in May, 2013, was also a head of the Security Officers Unit at the Ministry of Internal Affairs' State Security Agency.<sup>13</sup> Additionally, the report of IDFI revealed signs of nepotism in the mentioned public institution. Namely, some of the newly employed staff members were relatives of the particular lawmakers.<sup>14</sup> These circumstances raise questions about Commission's impartial and independent functioning.

### Government Policies

At the end of 2014, the government announced its intension to develop a high-speed Internet infrastructure in the country's regions, making Internet cheaper and more accessible for the rural population by 2017. A general plan **entitled "Broadband Internet to Every Citizen"** was outlined and published in January, 2015. According to the document, after the completion of the project, Internet will be available to about 2,000 residential settlements, including all schools and libraries. Precisely, the entire country should be covered by broadband above 30 Mbps, and 50 percent of the population should be provided with the Internet above 100 Mbps. For these purposes, the construction of a trunk cable system bringing internet to individual users through central networks was envisaged. **The Ministry of Economic and Sustainable Development and its newly established Legal Entity of Public Law - Georgia's Innovation and Technology Agency were responsible for its implementation.** Later on, the Ministry announced a tender for the selection of a company that would construct infrastructure of optical internet cables. All companies, both domestic and international had an opportunity to participate in

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<sup>13</sup> Transparency International Georgia. *Confirmation that Ministry of Internal Affairs maintains an officer at GNCC. 27.01.2014.* Retrieved from: <http://www.transparency.ge/blog/dadasturda-rom-shss-s-tsarmomadgeneli-komunikatsiebis-erovnuli-komisiis-tanamshromelia>

<sup>14</sup> Institute for Development of Freedom of Information. *Signs of Nepotism in GNCC, 27 March 2015,* Retrieved from: <http://idfi.ge/ge/signs-of-%20nepotism-in-gncc>

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the competition before the May 5<sup>th</sup> deadline. The selected operator(s) would have to complete contraction within three years. The major telecommunications regulatory body, the GNCC was expected to oversee the process. It appeared that government subsidies were not implied and a company responsible for building up a network had to cover all the necessary expenses.

Eventually, three companies, **Silknet, Caucasus Online and Greenet expressed an interest to participate**. However, at the second stage of the competition, they could not comply with a list of conditions and requirements set out by the government. Consequently, the latter had to redefine conditions and announce a new tender. However, ultimately, all major telecommunications companies refused to participate in the contest, as it would not bring considerable benefit to them. Most importantly, the project was costly. As one of the representatives of Silknet stated, the revenues would not even cover the estimated operating costs, not to mention capital costs. Although some basic guarantees were ensured by the government, as he explained, they did not constitute firm obligations. In general, they urged that government input to broadband development was of great importance, since private investors alone could not afford it.<sup>15</sup> Telecommunication experts stated that the terms and framework outlined by the government did not necessarily correspond to the particularities of the country's economic environment.<sup>16</sup>

Directly after the refusal of participation by the private companies, the government made a decision **to set up a non-commercial, legal entity "Open Net"**, which will carry out the Internet infrastructure development project. **It will be financially supported by the Cartu Foundation (providing about \$150 million), a charity fund established by Georgian tycoon and former Prime Minister Bidzina Ivanishvili.** Moreover, the **Innovation and Technology Agency signed a memorandum with Detecon, a member of the German Deutsche Telekom Group**, which will provide expertise and consultation during the implementation process. As declared by the agency, the mentioned company was selected due to its experience and offered price. In total, five consulting organizations were involved in the selection process.

Since representatives of the private sector, non-governmental organizations, as well as the Data Protection Inspector were not sufficiently involved at the planning stage; it strengthened concerns among civil society organizations and telecommunication specialists. Although the government published a general plan of the initiative, it was not followed by a comprehensive strategy defining more concrete steps, objectives (both small- and long-term), indicators and assessment measures. Moreover, the launch of the project was not preceded by a thorough analysis of the Internet market. Ucha Seturi, the expert in media and telecommunications from IDFI argued, that the elaboration of an integrated strategy responsive to the needs and priorities of the country had to go through the following stages: a broadband plan, selection of infrastructure types, selection of an

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<sup>15</sup> EUGeorgia. Info. *Internet and Electronic Democracy*. 03.07.2015. Retrieved from: <http://eugeorgia.info/ka/article/269/interneti-da--eleqtronuli-demokratia/>

<sup>16</sup> Ucha Seturi *Broadband Development and Realization of the Goals of Georgia 2020*. 21.10.2015. Retrieved from: <https://idfi.ge/en/broadband-development-and-realization-of-georgia2020-goals>

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investment model, selection of a business model and selection of financing tools. Instead, the preparatory stage was fragmented and piecemeal, conducted in haste without due preparation and in-depth analysis. Besides, the possible impact of the activities planned by the government is not pre-defined and estimated, which could curb healthy competition on the Internet market in the long-run.<sup>17</sup>

**In addition, it was announced that Georgia would use the Lithuanian model**, which was criticized by IDFI. Precisely, IDFI expert, Ucha Seturi claimed that this model did not pay proper attention to Internet users, Internet literacy and necessary skills for using modern technologies. Besides, due to economic hardship rural dwellers cannot afford computers and other equipment.<sup>18</sup> These and other similar social and economic aspects of the issue are not reflected in the general strategy.

Small Internet Service Providers (ISPs) are also concerned that the exact details of the provision of Internet service through the developed network are unclear and obscure. In particular, although they consider a general idea of the development of the Internet infrastructure, especially in remote areas of the country significant, they have no guarantees that major operators will not monopolize the newly constructed network in future.<sup>19</sup> Contrary to such expectations, government officials argue that the project will increase competition on the Internet market, since access to the network will be universal and each company will be allowed to use it.

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<sup>17</sup> Ucha Seturi. *Problems of the Cancelled Governmental Contest Broadband Internet to Every Citizen and Recommendations of IDFI*. 21.07.2015. Retrieved from: <https://idfi.ge/en/the-problems-of-planning-failed-contest-and-idfis-recommendations>

<sup>18</sup> Ucha Seturi *Broadband Development and Realization of the Goals of Georgia 2020*. 21.10.2015. Retrieved from: <https://idfi.ge/en/broadband-development-and-realization-of-georgia2020-goals>

<sup>19</sup> Radio Tavisupleba. *Ensuring Universal Access to the Internet: Important, but not Necessarily Open Process*. 07.09.2015. Retrieved from: <http://www.radiotavisupleba.ge/content/internatizatsiis-protsezi-da-problemebi/27231089.html>

## Limits on Content

### Online Content

**According to the 2015 Freedom on the Net report released by Freedom House, no reported cases of censorship directly carried out by the government were observed. Additionally, there were no incidents of systematic and pervasive government manipulation of online content as of May, 2015.<sup>20</sup>**

At the same time, online media is gradually becoming diverse. There are no restrictions and special legal regulations for launching a website and disseminating information. Consequently, the number of online news agencies is expanding. Most importantly, there are several online publishers that are considered trustworthy. They carry out in-depth and thorough analysis of political developments, however they lack financial support and in most cases, they rely on international donors. Over the past years, dozens of credible regional media outlets emerged online as well.

However, in recent years several media outlets, publishing biased and unreliable media content, proliferated. At the same time, **as Transparency International Georgia reported, some recently formed online media representatives have particular political preferences and agendas, as they are connected either to the government or the opposition.**<sup>21</sup> Since online news agencies are not obliged to disclose information about their owners and editors, the possibility of the existence of some online media outlets supported by the government should not be excluded.

The emergence of online news agencies spreading anti-Western propaganda was also reported by Media Development Foundation (MDF). **According to MDF's report entitled Anti-Western Propaganda, anti-Western rhetoric is usually applied to xenophobic and homophobic contexts.**<sup>22</sup> Also, a study published by [www.damouklidebloba.com](http://www.damouklidebloba.com), a website set up by an initiative group, revealed that founders of these anti-Western media organizations are closely related to major anti-Western organizations such as Eurasia Institute and Eurasian Choice, since they are usually led by the same

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<sup>20</sup> Freedom House. Freedom on the Net 2015. Georgia. Retrieved from: <https://freedomhouse.org/report/freedom-net/2015/georgia>

<sup>21</sup> Transparency International Georgia. *Who Owns Georgia's Media*. 19.10.2015. Retrieved from: <http://www.transparency.ge/post/report/vis-ekutvnis-kartuli-media>

<sup>22</sup> Media Development Foundation. *Anti-Western Propaganda*. Retrieved from: <http://mdfgeorgia.ge/uploads//Antidasavluri-ENG-web.pdf>

**individuals.**<sup>23</sup> Given these circumstances, obviously, it is becoming extremely difficult for readers to distinguish between balanced online content and unverified information.

With regard to manipulation of online content, even though cases of the content being removed or blocked by the government were not observed, censorship of negative comments on pages of social networks of several government institutions was recorded. For instance, administrators of Facebook page of the Ministry of Defense deleted dozens of comments criticizing the official statement of the Ministry on the death of a Georgian volunteer fighter in Ukraine published on December 20, 2014. Furthermore, flattering comments prevail on online pages of particular government agencies, allegedly as a result of fake accounts.<sup>24</sup>

At the same time, although the cases of the state interference in the work of online media outlets were not reported, several regional journalists complained about the problems related to obtaining public information. **As Tea Zibzivadze, the editor of online news agency Kutaisi Post stated, representatives of local government do not put pressure on journalists, however provision of the requested public data with the delay hinders their capability to inform their readers with updated information.**<sup>25</sup>

In terms of self-censorship, it is widely acknowledged in the country that representatives of particular professions (e.g. civil servants, journalists,) prefer to refrain from expressing their opinions publicly. **An online platform “Freedom to Internet”, collecting instances of violations of Internet Users' Rights (censorship/surveillance/privacy/cases of repercussions for on-line activity/filtering and blocking of websites etc.) reported a case of an employee at LEPL of the Ministry of Environment and Natural Resources Protection of Georgia, according to which she was contacted with the request to delete her Facebook post containing her opinion on participation of Prime Minister of Georgia Irakli Gharibashvili in an Ice Bucket Challenge, as well as a Wikipedia article about rules of the challenge.**<sup>26</sup>

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<sup>23</sup>Nata Dzvelishvili & Tazo Kupreishvili. Russian Influence on Georgian NGOs and Media [in Georgian], , Retrieved from: <http://damoukidebloba.com/assets/uploads/pdf/rusuli%20gavlena%20media%20da%20NGO-1.pdf>

[In English] Retrieved from: <https://idfi.ge/en/russian-influence-of-georgian-ngos-and-media>

<sup>24</sup> Freedom House. Freedom on the Net 2015. Georgia. Retrieved from: <https://freedomhouse.org/report/freedom-net/2015/georgia>

<sup>25</sup> Radio Tavisupleba. *Regional Media Complains about Challenges of Obtaining Public Information and Financial Problems.* 27.10.2015. Retrieved from: <http://www.radiotavisupleba.ge/content/kutaisi-regionaluri-media-chivis/27329481.html>

<sup>26</sup>Freedom to Internet. *LEPL at the Ministry of Environment and Natural Resources Protection of Georgia.* 22.08.2014. Retrieved from: <http://www.freedomtointernet.com/case/56>

## Online Activism

During the coverage period the impact of social networks and online applications in mobilizing people for a common cause, and organizing peaceful demonstrations has been considerably enhanced. In fact, social media has become the leading platform for citizens to criticize the government and react to alleged wrongdoings. Several cases where online activism contributed to policy changes could be highlighted. For instance, **the official statement of the Ministry of Defense of Georgia (MoD) on a death of Georgian citizen, killed in a battle, in eastern Ukraine triggered an online protest in December, 2014.** In the written statement, the Ministry expressed condolences over death, but at the same time, blamed representatives of former authorities for his death, because they were “encouraging” Georgians to fight in Ukraine. MoD also called on the citizens “not to yield to provocation and not to endanger own lives in exchange of various offers.” People condemned the statement as “shameful” and staged a public protest outside the Ministry, calling for resignation of then-Defense Minister, Mindia Janelidze. The public outcry was scheduled and coordinated online. In response, the Ministry apologized for a mistake and removed the statement from its official website and Facebook page.<sup>27</sup>

**Another successful example was an online campaign “Beka is not a criminal” waged by mostly young activists.** It was launched in May, 2014 as a response to strict drug policy. In particular, Beka Tsikarishvili was charged with purchasing and possession of 65 grams of marijuana, for which he could be jailed from seven to fourteen years. He was detained in June, 2013 and paid GEL 10 000 bail, after spending 18 days in prison. About one week prior to the final court hearing, prompted by his friends, Beka recorded an online appeal and describing his situation in May, 2014. The video went viral online within a day. The next day it had already garnered the attention of thousands of people. It was watched and shared by around 20 000 Internet users. Because of high public interest, several rallies, attended by hundreds of people, bringing cauldrons, cans, drums, whistles and other objects, were organized. Eventually, the hearing was delayed, which enabled organizers to expand their advocacy activities. Indeed, they opened their Facebook page (until recently, it has more than 7000 subscribers), registered an online petition protesting against unfair drug policy. Precisely, they were objecting to the strict legislation which envisages the same punishment measures for both marijuana users and dealers. Thousands of people joined the campaign through disseminating and sharing posters and videos on social networks with the statement “Beka is not a criminal”. Later on, with the aim of expressing solidarity with those arrested for the same offence, demonstrators filed a suit to the Constitutional Court demanding to abolish strict punishment for such matters. Tbilisi-based Human Rights Education and Monitoring Center (EMC) provided legal counsel to the applicant. Simultaneously, rallies were organized not only in the capital, but in other large

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<sup>27</sup>Civil.Ge. *MoD Apologizes, Says Leadership Was Not Aware of Controversial Statement*. 22.12.2014. Retrieved from: <http://civil.ge/geo/article.php?id=28976>

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cities, Batumi, Zugdidi and Kutaisi. Some demonstrators were also requesting decriminalization of marijuana.

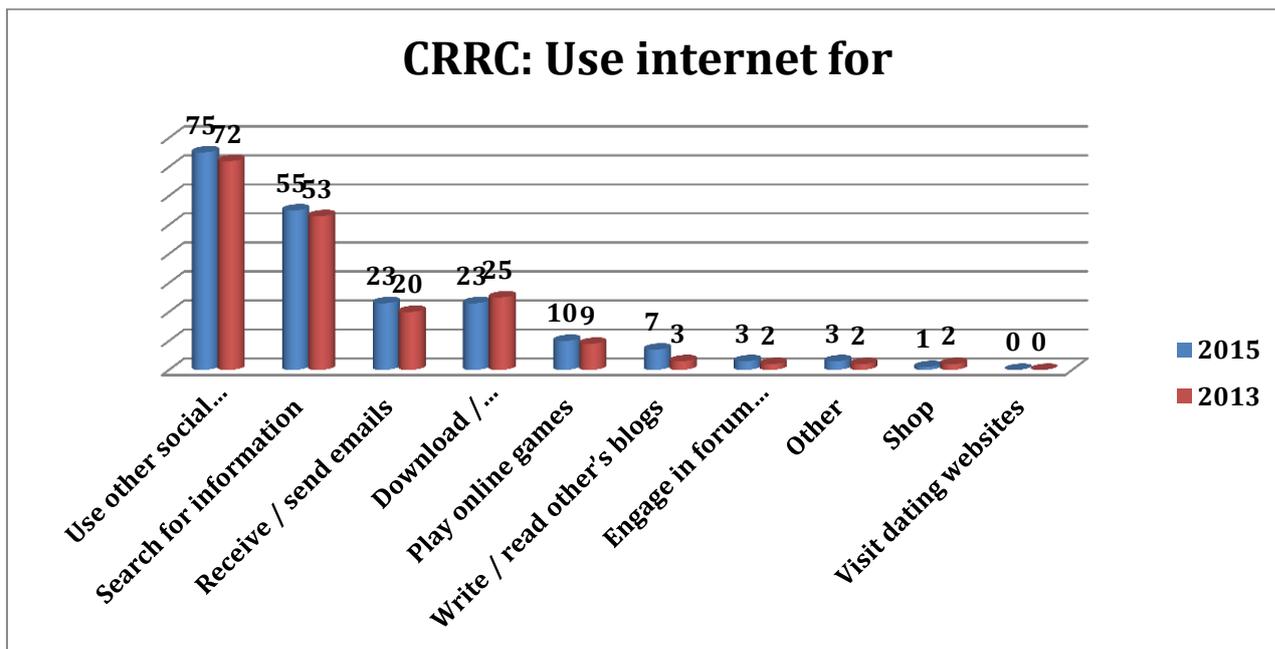
Finally, the Georgian Constitutional Court ruled on 24<sup>th</sup> of October, 2015 that applying imprisonment as a punishment for purchasing and possessing up to 70 grams of marijuana for personal use is unconstitutional, since imprisonment as a type of punishment in such cases amounts to “inhuman and cruel treatment that infringes upon human dignity”. On the other hand, the Constitutional Court said that its decision does not mean decriminalization of marijuana and it neither applies to the cases where the obvious purpose of possessing of marijuana, regardless of its amount, is to sell and cultivate it. Moreover, the Court has not discussed the use of marijuana; however it assumed that its consumption is an offence of minor character.<sup>28</sup> “For those, who have already been convicted and sentenced to imprisonment in similar cases, the Constitutional Court’s ruling represents a legal basis for appealing common court for the purpose of reviewing their cases,” EMC said. After this success, Beka and his supporters are planning to continue their joint efforts for improving the legislation on drug policy and eliminating existing loopholes in this regard.

While discussing the increasing role of social networks, particularities of online behavior of the Georgian Internet users are worth exploring. **Apart from using social networks (75 percent), which is the most frequently undertaken activity, people with an internet connection search for news (55 percent), receive/send emails (23 percent) and pursue entertainment (23 percent), whereas interaction-oriented activities such as writing/reading blogs and involvement in forum discussions are popular among 7 and 3 percent of the Internet users, respectively.**<sup>29</sup> These tendencies have not undergone substantial changes over the past three years.

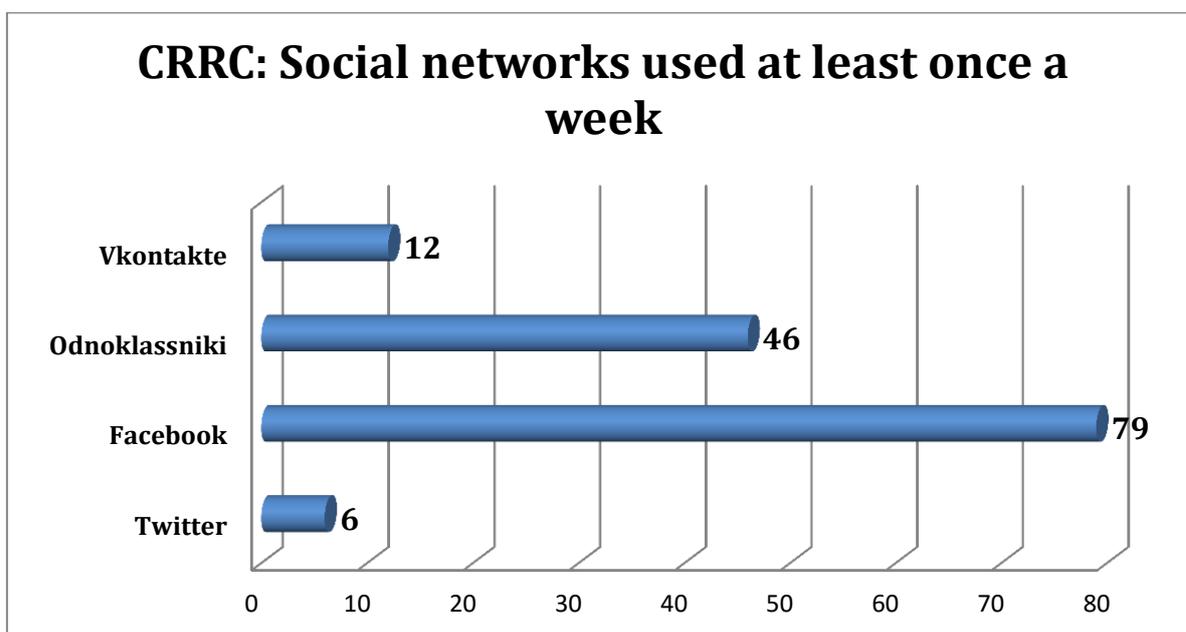
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<sup>28</sup>Radio Tavisupleba. *Beka’s Chronicle of being non-criminal*. 01.11.2015. Retrieved from: <http://www.radiotavisupleba.ge/content/bekas-ara-kriminaluri-kronika/27338863.html>

<sup>29</sup>The Caucasus Research Resource Centers. *Survey on Public Policies, 2015*. Retrieved through ODA - <http://caucasusbarometer.org> on 20.10.2015



With regard to social networks, **most popular platforms include Facebook (79%), followed by Odnoklasniki (46%), while Twitter is accessed by only 6 percent of the Internet users at least once a week.**<sup>30</sup>



Internet is widely used by private and public organizations as well. Many companies attempt to promote their products among people through spreading online advertisements and sponsored Facebook posts. During the reporting period several government and civic online services and platforms were initiated and developed. **One of them scheduled to be launched in upcoming months is an online petition tool [www.lchange.ge](http://www.lchange.ge), where**

<sup>30</sup> The Caucasus Research Resource Centers. *Survey on Public Policies, 2015*. Retrieved through ODA - <http://caucasusbarometer.org> on 20.10.2015

**citizens will be allowed to register their petitions to the government.** The Government of Georgia took an obligation to develop such online service within the scope of the Open Government Partnership (OGP). According to the Action Plan of Georgia, the website will enable people to submit e-petitions and collect sufficient amount of signatures (probably 5 000 signatures). When an e-petition reaches a certain number of signatures, the government will be under the obligation to react. In particular, the issue should be discussed at government meetings.<sup>31</sup> It is noteworthy, that civil society organizations have been actively advocating for its implementation since 2012. For instance, IDFI prepared a comprehensive concept containing analysis of the best international examples in this regard, as well as concrete recommendations for establishing a citizen platform with three different components – e-petitions, e-consultation, e-discussions. In addition to the exchange of the vision of the citizen platform, IDFI representatives together with other stakeholders/CSOs were actively involved in discussions coordinated by the government throughout the development of the e-petition system. Significant parts of IDFI's recommendation package were taken into account by the government. It is notable that in absence of such online facilities, people have been using different petition platforms and websites, such as change.org, manifest.ge, to collect signatures and attract supporters to address the government in a joint effort to influence particular policies.

When it comes to civic initiatives, **an interactive portal the Civil Electronic Monitoring System (CEMS) should be mentioned.**<sup>32</sup> It was launched by the Civil Development Agency (CiDA), a civil society organization in Georgia. The main objective of the project included reporting and resolving local problems with the active participation of the citizens. The platform covers four large cities of the country – Rustavi, Gori, Kutaisi and Poti. The residents of the mentioned cities can publish various local problems connected to utility, legislation, self-governance, etc. Additionally, they are enabled to disseminate petitions, civic ideas and projects. Until today, more than 250 cases were reported, out of which 50 problems were tackled by local government officials.

The project “Govern from Home” represents an innovation recently implemented by a local **nongovernmental organization (Guria Youth Resource Center) in partnership with the local Ozurgeti municipality.** In the framework of the project, local government meetings are transmitted online and people can ask questions of their concern to high officials. Apart from voicing concerns, government officials respond to raised issues and state their positions on particular topics. For instance, during the latest meeting, problems such as outdoor lights, garbage bins, installation of barriers limiting car speed near schools and kindergartens, provision of free transportation for teachers were raised by local residents.<sup>33</sup>

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<sup>31</sup>Government of Georgia. *An Electronic Petition Portal is to be Launched*. 03.06.2015. Retrieved from: [http://gov.ge/index.php?lang\\_id=GEO&sec\\_id=406&info\\_id=49440](http://gov.ge/index.php?lang_id=GEO&sec_id=406&info_id=49440)

<sup>32</sup>The website of the Civil Electronic Monitoring System (CEMS) - <http://www.cems.ge/>

<sup>33</sup><http://ozurgeti.org.ge/?p=7988>

## Violations of Internet User Rights

### Surveillance Law<sup>34</sup>

During the reporting period, the legislation on surveillance underwent significant changes. **At the first stage of legal changes, five laws were amended in August 2014: The Criminal Procedure Code, the Law on operational-investigative activities, the Law on Personal Data Protection, the Law on Electronic Communications and Regulations of the Parliament of Georgia.** According to the new legislative amendments, the list of persons who can become subject of surveillance and wiretapping has been further defined (criminals, persons assisting criminals, cases of deliberate and grave crime, crimes infringing right to live, health or economic cases); the duration of surveillance and wiretapping has been limited to a maximum of 6 months; the person who was surveilled should be notified in a written form about the obtained recordings and its extermination. Significantly, with the abovementioned amendments powers of Personal Data Protection Inspector have been increased. However, the issue of direct access to telecommunication data was not resolved, since the Ministry of Internal Affairs strongly opposed changes that would limit direct access of law enforcement agencies to such data. Consequently, the respective clause was removed from the draft bill suggested by civil society organizations.

The issue of access to so-called “black boxes” was resolved later. After multiple discussions, extensions of the deadlines, four various bills and two vetoes from the President, the Parliament adopted the government-supported bill, according to which so called “two-key” system was introduced. In particular, the Ministry of Internal Affairs has retained its direct access to telecommunication operators’ servers, however, after obtaining a court warrant, the Ministry shall require authorization, including technical one, from Personal Data Protection Inspector’s Office in order to carry out surveillance. Therefore, the latter obtained the power of checking the decision of the court.

**NGOs continued their campaign “This Affects You” advocating for depriving security agencies of direct access to telecom operators’ networks.** Apart from this, they were highlighting the following shortcomings of the new system:

- a. the two “keys” are only used during telephone surveillance, while during collection of the metadata (time, place, duration of a call) as well as Internet traffic (including communication content) such control is not used;

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<sup>34</sup>For more comprehensive information about the issue, please see the report of IDFI entitled *Regulating Secret Surveillance in Georgia 2013-2015*. May, 2015. Retrieved from: <https://idfi.ge/en/regulating-secret-surveillance-in-georgia-2013-2015>

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- b. the investigation authorities cannot delete personal data which is unrelated or irrelevant to an investigation, they only may delete compromising material;
- c. the investigation authority can collect information from a computer system without strict limitations, such as consideration of the category of crimes or justification of an urgent public necessity; even the communication not related to investigation may be recorded.

Given these circumstances, members of the mentioned campaign filed a lawsuit in the Constitutional Court against the Parliament of Georgia. Most of their concerns were shared by the Public Defender, who also submitted a lawsuit on the same issue in the Constitutional Court on January 30<sup>th</sup>, 2015. According to the Ombudsman, the direct access of the Ministry of Internal Affairs to communication data violates the constitutional right to privacy.

**On a positive note, the Supreme Court has considered the recommendations made by IDFI and other CSOs in the framework of the Open Government Partnership (OGP) Action Plan of Georgia and undertook the obligation to proactively disclose statistical information on surveillance on quarterly and annual basis since September 2014.** In addition, based on the information received by IDFI as well as that published by the Supreme Court it can be assumed that in 2014, as compared to previous years, the number of motions made to courts on secret surveillance has significantly decreased.

However, recent developments revived public concerns over illegal surveillance. On October 29, 2015, some wiretapped recordings of the conversation between Georgia's former President and now governor of Odessa region, Mikheil Saakashvili and some opposition leaders and Nika Gvaramia, the head of the Rustavi 2 TV **were leaked on a murky website called "Ukrainian WikiLeaks", hosted and registered in Russia.** The opposition party leaders blamed the government for conducting "mass illegal" eavesdropping. As Gvaramia declared, law enforcement agencies did not have any legal ground for monitoring his phone calls.<sup>35</sup> It is notable that the leaked recordings included calls between the users of Viber, free calls and messaging application. The State Security Service announced that it probes into secret recordings. Deputy head of the State Security Service, Levan Izoria said, that "as part of the ongoing investigation, origins and authenticity of the recordings distributed by the media outlets will be determined; all the necessary investigative activities will be carried out and all the relevant persons will be interrogated for the purpose of verifying information in the recordings as well as the information that was made available through the operative-investigative activities."

As a response, the Public Defender called on the Chief Prosecutor's Office to launch an investigation of the origin and the legality of obtaining the recordings, as whether Georgia's law enforcement agencies were involved in conducting secret online surveillance should be

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<sup>35</sup>Civil.Ge. *Wiretapped Recordings of Saakashvili Discussing Rustavi 2 TV Leaked*. 30.10.2015. Retrieved from: <http://www.civil.ge/eng/article.php?id=28713>

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scrutinized. Besides, the Personal Data Protection Inspector's Office started an examination whether Georgian courts had granted permission for carrying out surveillance. If it is proved that such permission existed, the Inspector seeks to detect the scope of surveillance activity determined by the court.<sup>36</sup>

It should be mentioned, that even before these circumstances, the Personal Data Protection Inspector was asking for more oversight mechanisms over the law enforcement agencies, since the undertaken measures were not sufficient for monitoring the secret surveillance practice. As she stressed, elaboration of a system which would fully resolve the problem of eavesdropping and surveillance appeared difficult. To overcome this shortcoming, the Inspector initiated several legislative amendments to ten different legal acts. Her proposal encompassed issues such as, enlargement of the scope of the law, specific regulation of the audio recording and audio monitoring, more precise definition of the legal grounds for the processing of the sensitive data and for the trans-border flows. The draft legal amendments also envisage increase of fines, in cases where data breach is related to more than 100 data subjects. Additionally, as intelligence services were recently separated from the Ministry of Internal Affairs in order to transform the latter into a civil service institution, the newly established State Security Service was also granted with the authority over secret surveillance measures. Consequently, additional clarifications and changes are needed to the surveillance law. Otherwise, the existing legislation does not rule out illegal eavesdropping that would bypass the Inspector. Therefore, civil society organizations claim that the Personal Data Inspector should be provided with sufficient leverage to exert strict and proper control over law enforcement agencies in regards to secret surveillance.

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<sup>36</sup><http://www.netgazeti.ge/GE/105/News/51703/>

## Protection of Internet User Rights

Freedom of expression is ensured by the Constitution of Georgia (Article 24) and the Law of Georgia on Freedom of Press and Speech. The latter specifically mentions that legal provisions protecting freedom of expression are applicable to the Internet as it defines “media as print or electronic means of mass communication, including the Internet”.<sup>37</sup>

Some legislative changes initiated during the coverage period could have implications in the near future in this regard. **On June 12, 2015, the Parliament of Georgia amended the Criminal Code of Georgia, according to which “calls for violent actions” were criminalized.**<sup>38</sup> The adoption of this amendment was preceded by sharp public discussions. According to the bill, initiated by the Ministry of Internal Affairs (MIA), “calls inciting strife, i.e. public calls for violent actions, made verbally, in written or through other forms of expression and aimed at causing enmity or discord between racial, religious, national, ethnic, social, linguistic or other groups, shall be punished with imprisonment from 2 to 5 years.” Additionally, according to the draft law, if “strife” between ethnic, religious or various other groups results into “grave consequences”, including serious injuries to human health or death, the calls for “inciting strife” in this case shall be punished with imprisonment from 5 to 15 years. If “strife-inciting calls” are made by a legal entity, it should carry “liquidation” of such entity or depriving it the right to operate as a punishment, along with a financial penalty, according to the proposed bill.<sup>39</sup>

Even some members of the current ruling coalition had particular remarks on the bill. Therefore, a working group at the parliamentary committee for legal affairs was set up to find a compromise. When it comes to civil society organizations, they expressed the following concerns: 1. Terms such as “incitement of violent actions,” “aimed to cause hostility” among groups were open to a wide interpretation; 2. The proposed bill was in conflict with both the case law of the Constitutional Court of Georgia regarding Article 24 of the Georgian Constitution and the Law on Freedom of Speech and Expression. The incitement can result in liability only in cases when the person undertakes a deliberate action which causes a clear, direct and substantial risk of a lawless result; 3. Given the Georgian reality, where law enforcement agencies are ineffective and passive when it comes to protecting the rights of minority groups, such amendments could result in “limiting freedom of expression and strengthening the dominant social and moral discourse.”<sup>40</sup>

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<sup>37</sup>Ana Dolidze. *Internet Governance in Georgia*. From *Governing the Internet. Freedom and Regulation in the OSCE Region*. 2007. Organization for Security and Co-operation in Europe. Retrieved from: <http://www.osce.org/fom/26169?download=true>

<sup>38</sup>The Criminal Code of Georgia. <https://matsne.gov.ge/ka/document/view/16426#!>

<sup>39</sup>Netgazeti. *Incitement to Hatred Will Be Punishable – Bill of the Government*. Retrieved from: <http://www.netgazeti.ge/GE/105/News/40304/>

<sup>40</sup>*Joint statement of civil society and media organizations regarding bill on incitement of hatred*. 23.01.2015 Retrieved from: <http://www.transparency.ge/en/post/general-announcement/joint-statement-civil-society-and-media-organizations-regarding-bill-incitement-of-hatred>

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Later on, the bill underwent significant changes. In particular, a controversial wording criminalizing “calls, inciting strife” was removed. According to the revised version, “calls for violent actions” aimed at causing discord between racial, religious, national, ethnic, social, linguistic or other groups was criminalized. Most importantly, it was specified that criminal punishment should only be applied if such calls pose direct and obvious threats.<sup>41</sup> Despite these changes, CSOs claimed that these legal norms would not ensure protection of minority groups; instead they contained threat to freedom of expression.<sup>42</sup> Ultimately, calls for violence became punishable by a fine or by community service work for a period of up to 400 hours. In the case of a repeated offence resulting in serious injuries to human health or death, the offender shall be punished with imprisonment from 2 to 5 years.

After providing the overview of legislation on protection of user rights, particular cases of violations of consumer rights are worth discussing. With the purpose of gaining such data, IDFI submitted a public information request to the Public Defender’s Office. The institute was interested whether the Office was appealed by citizens about the following types of violations: censorship, surveillance, privacy, repercussions for online activity, filtering and blocking of websites since 2013. IDFI also requested the list of measures undertaken by the Public Defender as a response to these violations. It appeared that such cases were not observed and recorded in their database. Hence, the cases below are collected through monitoring online social media.

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<sup>41</sup>Civil.Ge. *Bill That Would Have Criminalized ‘Strife-Inciting Calls’ Revised*. 07.04.2015 Retrieved from: <http://www.civil.ge/geo/article.php?id=29276>

<sup>42</sup><https://idfi.ge/ge/non-governmental-and-media-organizations-joint-statement>

## **The Cases of Lado Sadghobelashvili and Shota Aphkhaidze**

On October 21, 2015 Lado Sadghobelashvili, a member of a non-governmental organization Free Generation, published a Facebook post containing calls for violence against the opposition political party, United National Movement (UNM). Shota Aphkhaidze, a member of Eurasian Institute, another local non-profit organization also issued a statement with the same rhetoric. Both of them were calling on the government to take active measures against the mentioned political force.<sup>43</sup> With regard to their organizations, it should be mentioned that both Free Generation and Eurasian Choice gather mostly conservative, far-right and allegedly pro-Russian people, who use hate speech, xenophobic and homophobic rhetoric during online discussions.

In this particular case their statements were preceded by the release of the videos showing torture and sexual abuse recorded during the rule of UNM. The recordings leaked on the Ukrainian website triggered attacks on central and regional offices of the political organization. The Public Defender called on the authorities to “take all necessary measures to prevent spread of similar video footage”.<sup>44</sup>

Despite similarities of the offence, an investigation with regard to Sadghobelashvili’s online post was launched under Article 156 of the Criminal Code of Georgia (“Persecution”) envisaging punishment with fine, restriction of freedom or imprisonment for up to two years in length, while in the case of Aphkhaidze a criminal case on Article 239 of the Criminal Code of Georgia (“Public Calls for violence”) was initiated by the Ministry of Internal Affairs. Given these circumstances, questions about selective application of justice in these criminal cases could be raised. As it was discussed above, the clause on calling for violence was added to the Criminal Code of Georgia in June, 2015. Such selective application of the law raises concerns that the mentioned article could be used for restricting online expression in future.

The Public Defender of Georgia welcomed the launch of the investigation with regard to Lado Sadghobelashvili’s call for violence. According to his statement, “it is important [that] the law enforcement agencies [do] not create the sense of impunity, to timely react to each allegation of this kind and thus to prevent their future recurrence.”<sup>45</sup>

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<sup>43</sup>Nino Kakhishvili. *Investigation on the Cases of Sadghobelashvili and Aphkhaidze’s Calls for Violence Was Launched*. Retrieved from: <http://www.netgazeti.ge/GE/105/News/51427/>

<sup>44</sup>Public Defender of Georgia. *Perpetrators of Releasing Videos Showing Personal Life must be Punished in Shortest Time*. 18.10.2015. Retrieved from: <http://www.ombudsman.ge/en/news/perpetrators-of-releasing-videos-showing-personal-life-must-be-punished-in-shortest-time.page>

<sup>45</sup>Public Defender of Georgia. *Public Defender Resonates to Recent Developments*. 23.10.2015. Retrieved from: <http://www.ombudsman.ge/en/news/public-defender-resonates-to-recent-developments.page>

## The Case of Wordpress.Com

**On November 23, 2015 a video showing Georgian-speaking men calling on Muslims living in Georgia to join the “caliphate” and threatening to behead Georgians was circulated via pro-Islamic State group’s Georgian-language website hosted on WordPress.com, an international blog-hosting service. It is noteworthy that the State Security Service had been already investigating several Georgian-language pro-IS group websites. As officials of the security agency stated, they intended to appeal the court with a request to block such websites. On November 24, the State Security Service announced that access to at least two pro-Islamic State group websites, including the one using WordPress platform, was blocked in Georgia. However, it appeared that instead of blocking the specific account, all of WordPress was blocked for Georgian users. Their websites were accessible only from abroad. Later on, several bloggers (e.g Temur Ikoshvili, Saba Lekveishvili) contacted administrators of WordPress.com through twitter and informed them about the problem. WordPress.com representatives, on their side, got in touch with the government officials via email. Shortly after their correspondence, WordPress.com hosted websites were unblocked in Georgia. Afterwards, the security agency explained that they communicated with WordPress representatives and after several hours of technical work the problem was resolved and the websites of Islamic State were blocked.**

Ucha Seturi, expert from IDFI considers such explanation unsatisfactory and unconvincing. He suspects that since the blocked website is accessible from abroad, the government restricted access to it through Georgian operators. Therefore, the website and its content have not disappeared.<sup>46</sup>At the same time, GNCC representatives stated that they were not involved in this process. As for courts, press service of the Tbilisi City court could not confirm whether the State Security Service appealed it with a request to block suspicious websites, since it is related to operative investigative activities.

In general, the blocking of the entire platform affected hundreds of bloggers. As some activists stated, if blocking lasted longer, they would have significant economic problems.<sup>47</sup>Also, some media organizations using WordPress.com hosted site had problems in disseminating news.<sup>48</sup>

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<sup>46</sup><http://www.netgazeti.ge/GE/105/opinion/52772/>

<sup>47</sup>Online Interview with Nino Chelidze, Civic Journalist Club. 26.11.2015.

<sup>48</sup><http://garb.ge/news/datsulia-thu-ara-saqarthveloshi-kiberusaphrthkhoeba-video/>

### **The Case of the Facebook Page of Volunteers**

**In June, 2015 a Facebook group “June 13”, created by volunteers and personal accounts of the administrators of the mentioned group were blocked.** This social group was an effective tool for coordinating the voluntary work aimed at eliminating devastating effects of the flood occurred in the Vere River valley in the capital. It fueled suspicions among Internet users. Some people claimed that it was a deliberate attack on the Facebook accounts of the administrators, resulted in obstruction of their Facebook page.<sup>49</sup> Some of them even stated that the government could have blocked the page in an attempt to hamper mobilization of volunteers and conceal its own ineffectiveness in dealing with the damages brought by the catastrophe. The others thought that the page could disappear due to over-posting, as the page attracted thousands of followers, volunteers were coordinating their work through this page and people were posting and commenting there on a regular basis.

Directly after the incident, the Ministry of Internal Affairs declared that its Division for the Fight against Cybercrime launched an investigation on the case. The inquiry was launched under Article 284 of the Criminal Code of Georgia in connection with illegal access to computer information.<sup>50</sup>

The page administrators and subscribers appealed to the Facebook administration and the page was restored in several days.

### **The Cases of Cyber-attacks against Government Websites**

In December 2014, the official website of the Ministry of Agriculture was hacked. The hackers posted the information that the Finance Minister Nodar Khaduri was appointed as Minister of Agriculture and the current Minister Otar Danelia became his deputy. The press service of the ministry rejected this information. A similar cyber-attack was carried out against the website in July, 2015.

In January 2015, the web-site of State Ministry for Diaspora was also hacked.

The website of the State Ministry for Reconciliation and Civic Equality was also the subject of a cyber-attack. The homepage was replaced by a page showing an animated image of a nose-picking anime character with messages in English, among them: “Hacked by Error

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<sup>49</sup>Dato Parulava. *The administrator of “June 13”: The Page was Deliberately Cancelled*. 18.07.2015. Retrieved from: <http://liberali.ge/news/view/17249/13-ivnisis-administratori-gverdi-mizanmimartulad-gaaugmes>

<sup>50</sup>The Ministry of Internal Affairs *Statement of the Ministry of Internal Affairs*. 18.06.2015. Retrieved from: <http://police.ge/en/shinagan-saqmeta-saministros-gantskhadeba/8372>

7rB” and “No System Is Safe, Access to the Site Was Easy”. The state ministry said that it temporarily took down the smr.gov.ge website; it was not accessible for several days.<sup>51</sup>

### The Case of Georgian Ultras

**On September 21, 2015, a group of ultranationalists, calling themselves Georgian Ultras, disseminated a video, under the name “Bergman against niggers”, depicting an attack and beating of two individuals from Nigeria on its Facebook page.** It triggered online protest among Georgian Facebook users. They were requesting an appropriate reaction from the Ministry of Internal Affairs (MIA). Subsequently, the mentioned video was deleted; Facebook page of the radical group also temporarily disappeared. Online activists reported the video to the Facebook administration due to its abusive content. The ministry reacted only after online dissemination of the video. An investigation was launched for conspiracy to commit hate crimes based on race. Two suspects were detained. As declared by the ministry, both of them pleaded guilty.<sup>52</sup>

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<sup>51</sup>Freedom to Internet Platform. *Website of State Ministry for Reconciliation Hacked*. Retrieved from <http://www.freedomtointernet.com/case/66> 15.10.2015

<sup>52</sup>Nino Kakhishvili. *Two Citizens Detained Accused for Racial Discrimination*. 28.09.2015. Retrieved from <http://www.netgazeti.ge/GE/105/News/50345/> 20.10.2015

## **Conclusions**

The analysis showed that Internet penetration rate continues to grow in Georgia, however about half of the population does not have access to it. Among other obstacles high costs, low quality of the service, poor infrastructure, especially in urban rural areas can be highlighted. In terms of competition on the Internet market, the telecommunications sector is still dominated by two major companies.

One of the most significant developments during the coverage period was launch of the government initiative “Internet to Every Citizen”, aiming at ensuring Internet availability for about 2, 000 residential settlements by 2017. However, telecommunication experts expressed concerns over less transparency and inconsistency of the implementation process. Additionally, small Internet service providers claim that upon completion of the project the Internet market could be further monopolized by major operators.

When it comes to online content, Georgia’s online media is gradually becoming diverse. Nevertheless, due to the emergence of dozens of unreliable media outlets, it is becoming quite difficult for readers to distinguish between false and true information.

The use of social networks and online tools for mobilizing people for a common cause is significantly increasing. Some cases where online activism contributed to policy changes were witnessed.

Despite these positive developments, major concerns over secret surveillance practice still remain. Even though Georgian legislation in this regard was harmonized with European standards, the Ministry of Internal Affairs retained its direct access to telecom servers. Most importantly, recently leaked recordings of conversations between several politicians and public figures revived concerns over illegal surveillance.