



Civil Campaign against Illegal Eavesdropping: It Affects You Too, Authorities Continue to Eavesdrop on Us!

Unrestricted secret eavesdropping by the law enforcement authorities has been a serious issue in Georgia for years already. The investigation authorities had been eavesdropping and carrying out surveillance on ordinary Georgian citizens, journalists, civil society representatives, political activists, defense lawyers, clerics and other persons for years, without any oversight and permission.

The ruling coalition that came into power following the 2012 parliamentary elections has not made any systemic changes in this regard. Although promises have been made, law enforcement authorities continue to have unlimited access to data of communication service operators. By means of the so-called “black boxes” kept with cell phone operators, law enforcement authorities are able to eavesdrop to thousands of people simultaneously, determine their location, read their mobile text messages and personal correspondence via e-mail, Viber, WhatsApp, BBM and other applications.

This jeopardizes Constitutional right to privacy and hinders the practice of democratic principles in the country; it also obstructs to a large extent the development of free society in Georgia. Clearly the law enforcement authorities should have the right to

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carry out secret surveillance with the use of technical means on a narrow circle of individuals; however, this should be the last resort and must be conducted under effective monitoring in order to rule out violation of the right to privacy of individuals concerned, who have nothing to do with crime investigated by the authorities.

In his special report EU Special Adviser on Legal and Constitutional Reform and Human Rights to Georgia Thomas Hammarberg highlights the problem of illegal secret surveillance and the need to address it immediately. The problem has also been highlighted in the 2012 Human Rights Report published by the US Department of State.

In this light, civil society organizations are re-launching the campaign It Affects You Too, this time with the aim of changing the existing status quo in illegal eavesdropping and surveillance and creating systemic safeguards against arbitrary actions by law enforcement authorities.

A draft law initiated in the parliament of Georgia over a year ago envisages putting such system in place. Current laws that regulate mechanisms for secret surveillance regrettably fall short of international standards. Furthermore, some provisions are in direct conflict with the ECHR standards.

The It Affects You Too campaign seeks modification of the existing law and practice in line with internationally recognized principles. Laws should be amended to

- Create effective system that will provide for high standards of investigation of crimes and rule out possibilities to obtain personal information about ordinary citizens by law enforcement authorities in an arbitrary manner and without any justification.
- Allow surveillance only against certain individuals and when certain crimes are involved (grave and particularly grave crimes);
- Determine maximum duration of secret surveillance in order to rule out its abuse or its use for excessively long periods of time; also, to provide effective regulations for keeping and destroying secret surveillance records;
- Create independent mechanisms for monitoring secret surveillance; increase supervising powers of court and other responsible authorities

In frames of the campaign we are planning to hold meetings, rallies and conferences

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throughout Georgia. Regular updates about campaign activities will be published on its official website esshengexeba.ge and in social network at fb.com/esshengexeba, twitter.com/esshengexeba.

It Affects You Too campaign was launched in February 2012 by civil society and media organizations. Back then it was the aim of the campaign to lobby changes in election legislation with the active civic engagement and participation, and to create a competitive pre-election environment acceptable to voters. It was the direct result of unified civil society efforts that the undemocratic rule of party funding was modified and the so-called “must carry and must offer” regulation was introduced for the pre-election period.

The Authorities Continue to Eavesdrop on Us and It Affects You Too!