

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Constitutional Court Ruled in Favor of GYLA in a Lawsuit

Constitutional Court of Georgia ruled in favor of GYLA and granted the claim for deeming unconstitutional the provision of the Law of Georgia on Operative Investigating Activities that allowed investigating authorities to intercept private internet communication.

These norms allowed interception of private internet communication by means of password cracking or secret installation of other technical means.

GYLA believed that the provision was unconstitutional since it did not allow the

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possibility of court control over interception of private internet communication which in turn constitutes a private, intimate field of an individual concerned, protected by Article 20 of the Constitution of Georgia. The latter stipulates that court warrant or urgent need is a necessary precondition for curtailing the right to privacy. None of these circumstances are considered by the Law on Operative Investigating Activities.

The Constitutional Court upheld GYLA's arguments and deemed the impugned norm unconstitutional.