



NGOs campaigning to end illegal surveillance respond to PM's accusations

At the May 1 sitting of the Government of Georgia Prime Minister Irakli Gharibashvili made insulting statements towards activities of non-governmental organizations involved in This Affects You campaign.

According to the Prime Minister, “the version [of the draft law] that was suggested by the non-governmental organizations as well as the United National Movement was catastrophic and endangered national security and effective functioning of the law enforcement system”. The Prime Minister also said that “during the time when Georgia’s image is improving in internationally, these people use advertisements and spend several thousands and hundreds of thousands of thousands of GEL in advertisements to harm this image... I would say that such actions damage the country. The deliberate campaign against surveillance is directed against the state and there is no need for this. There is a strong political will to eradicate such malpractice [illegal surveillance]”.

Non-governmental organizations involved in This Affects You campaign straightforwardly declare that none of the facts referred to in the Prime Minister’s statement are accurate. Namely:

1. We would like to emphasize that there is only one legislative package submitted in the Parliament regarding surveillance, the authors of which are: First Deputy Chairman of Legal Affairs Committee and member of the Georgian Dream Coalition MP Shalva Shavgulidze; Chief Specialist of the Legal Issues Committee Lika Sajaia; Editor-in-Chief of the Rezonansi Newspaper Lasha Tugushi; and a journalist Zviad Koridze. The bill was registered in the Parliament in July last year and since then any interested person and governmental agency has had the possibility to express their opinions regarding the legislative initiative. Therefore, the statement made by the

Prime Minister that the bill was submitted jointly by non-governmental organizations and the United National Movement is not correct.

2. Discussion regarding illegal surveillance was initiated by non-governmental organizations already before the change of the government. This was confirmed by statements made by mobile network operators. Unfortunately, systemic problems of surveillance have not been solved during the current government as well. The EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia Thomas Hammarberg broadly discussed in his reports the necessity to prohibit such malpractice. The issue of illegal surveillance was also reflected in the US State Department 2013 human rights report.

3. The renewal of This Affects You campaign was necessary due to the fact that, despite constructive dialogue with the Parliament, law enforcement agencies were not willing to give up direct access to phone conversations and personal information and opposed adoption of the surveillance law that would be based on international standards. Nowadays, we still face the problem that the law enforcement officials during their illegal surveillance employ the same methods used by the previous government and what is more, use the same staff members. It is noteworthy, that we are not aware of any public official who was punished for illegal surveillance. Therefore, the statement of the Prime Minister that “the intentional campaign against surveillance is directed against the state and there is no need for this. There is a strong political will to eradicate such a corrupt practice...” is unsubstantiated.

4. It is not clear which task force the Prime Minister refers to that was apparently created a year ago and initiation of which bill is the Prime Minister talking about. We are only aware of a task force created in April 2014 in the State Chancellery and lead by Mindia Janelidze.

5. We still support the bill submitted to the Parliament a year ago that was endorsed by the Council of Europe and positively evaluated by leading European experts. The bill was based on European practice, which guarantees both state security and the right to privacy. Therefore, Prime Minister’s statement that “the version that was suggested ... was catastrophic and endangered national security and effective functioning of the law enforcement system” is an incompetent statement, since it questions the system of national security of the European states. It should be noted,

that the “catastrophic” proposal was turned into the bill by the Georgian Parliament last year and was passed with the first hearing by three Parliamentary committees a month ago.

6. We consider that the statement of the Prime Minister aims to divert public attention from illegal surveillance, to associate the campaign organized by the non-governmental organization with the United National Movement and thereby politicise the non-governmental sector and discredit the campaign in the eyes of the public.

7. The remarks by the Prime Minister that non-governmental organizations are “damaging the country” are alarming, since the only goal of the bill is to protect the right to privacy as guaranteed by the European standards. Such a rhetoric by the leader of the country discredits and supports formation of negative public attitudes toward non-governmental organizations. The accusations of the Prime Minister are not in compliance with the values of a rule-of-law based state and undermine importance and role of public initiatives in a democratic state.