



NGOs Urge the Ministry of Interior Affairs of Georgia to Destroy Secretly Recorded Videos of Personal Lives

As it has come to light, the Ministry of Interior Affairs of Georgia (MIA) is maintaining a video archive where it keeps secretly recorded videos of personal lives in addition to other recordings. Even though officials have made statements urging the MIA to destroy the archive, the material remains within the Ministry. In view of high public interest and controversy, we, the below signatories deem it important to express legally correct position about the issue.

We would like to start by underlining that the present statement reflects the necessity of destroying secretly recorded videos of personal lives, which clearly does not imply that rest of the recorded materials must also be destroyed. Rather, materials reflecting acts of torture, inhumane treatment, rape and similar violent acts should be maintained at least court proceedings are concluded. All perpetrators must be imposed with the punishment proportionate to the gravity of crimes committed, in compliance to applicable law.

On the other hand, different legal considerations apply to secretly recorded videos of personal lives. These videos must be immediately destroyed due to the following circumstances:

Right to privacy is guaranteed by the Georgian constitution, international legal acts and other legislation. The law of Georgia on Operative-Investigating Activities stipulates procedures, objectives and methods that apply to measures to be undertaken by special services within their purview for protecting public safety. One of the types of operative investigating measures is secret visual control and interception.

Para.2, Article 3 of the law prohibits investigating measures that jeopardize one's health, life, dignity and honor. Further, para.4, Article 6 stipulates that "the information obtained as a result of an operative-investigating activity, that might not imply criminal activity but compromising data shall not be disclosed or used for any purpose against this person. Such information shall not be stored and should be destroyed immediately"

Article 157 of the Criminal Code of Georgia criminalizes illegal obtaining, keeping or spreading of personal or family secrets is a crime. In line with the indicated norm keeping similar recording is a crime too.

Along with the Georgian legislation right to privacy is also guaranteed by Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the ECHR case laws. Everyone has the right to respect for his private and family life, his home and his correspondence.

Public authorities are prohibited from violating the right to privacy except for the cause of protecting a legitimate interest (e.g. prevent crime, public safety, etc.). Moreover, the importance of the interest should take precedence over the importance of protecting one's privacy. Under the circumstances, the recordings kept in the Ministry of Internal Affairs were obtained through breach of law. The archive contains compromising videos and keeping them fails to serve the legitimate purpose that can, in its value and importance, transcend the interest of one's right to privacy.

Accordingly, we call on the Ministry of Internal Affairs of Georgia to show respect to human rights and liberties and strictly follow the law and the provisions in the European Convention for the Protection of Human Rights. To this end, the Ministry should immediately decide to destroy the videos of secretly recorded private lives.

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GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association (GYLA)
International Society for Fair Elections and Democracy (ISFED)
Transparency International - Georgia
Georgian Democratic Initiative
The Human Rights Education and Monitoring Center
Article 42 of the Constitution
The Human Rights Center