



Organizations Participating in “It Affects You” Respond to the Statement of Prime Minister

Organizations participating in the Campaign “It affects you” we are still listened to A responded to the statement made by Prime Minister Irakli Garibashvili, in which he expressed his discontent about so called “It affects you” system A offered by nongovernmental organizations. Irakli Garibashvili said: “It affects you” all three cases mobile operators are owned by foreign companies, and similar mechanism does not work in any other country, where state interests are protected”.

The Prime Minister disseminated incorrect information in his statement, because in majority of EU member states, the mobile operator companies also hold key to the apparatus. It's hard to believe that, for example, Governments of France and Germany undermine security of their states when giving keys to communication companies.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



European experts, invited by the working group at the Legal Committee of the Parliament, also recommended taking the key away from the Ministry of Interior. In their report Experts from the Council of Europe Joseph Kanatachi and Graham Sutton called on the Parliament of Georgia: "██████ every law, which allows state agencies and authorities to have access to electronic communication without informing operator and their direct control of the process." Expert Hans-Joerg Albrecht stated: "███ is difficult to understand why security or any other law enforcement agencies should have independent and permanent access to the data or electronic communication process provided by electronic communication service providers. Organized eavesdropping and surveillance of electronic communication makes its abuse possible."

Since the government strongly opposed to transfer the key to mobile operators, non-governmental organizations have expressed their support as a compromise in the form of so-called "███" key system. As the government fears to transfer the key to the mobile operators, a proposal was drafted to give the second key to the court, where there are no security-related risks. If "███" key system A is accepted, phone conversation can be recorded if it is allowed by the mobile operator and the court together. Unfortunately, this compromise was also rejected by the government.

To support the allegation, the Prime Minister added, that absolutely well-grounded solicitations are sent to the court, when law enforcement agencies request though courts do not issue the permission. So we wonder why the MIA should hold a key. Did the Prime Minister mean that MIA conducts illegal surveillance of the phone conversations even when the court does not give them permission?

We call on the Prime Minister of Georgia to take recommendations of European experts into account who relied on the long-term experience of European states and take the key away from the Ministry of Internal Affairs. We also call on the Parliament not to postpone decision-making process till April 1, 2015.