

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of GYLA on the Release of Secret Video Recordings of Private Lives by the Office of the Chief Prosecutor of Georgia

According to [the statements released by the office of the prosecutor of Georgia](#), the office of the prosecutor launched a probe into the alleged abuse of official power by former officials of the MOD's Military Police Department by exerting violence and outrage upon personal dignity. In particular, according to the investigating authorities, [under the instructions of the former head of the MOD's Military Police Department](#)

officials of the department collected information (including secretly taken videos of their sexual relations) about sexual minority men to blackmailing and coercing them into secret cooperation with special services.

It must be highlighted that recording, collecting and storing video recordings of personal lives of concrete individuals by the state, not related to criminal activities of individuals concerned, is clearly unjustified and amounts to an offence. Use of the videotapes to coerce these persons into performing or not performing certain actions also amounts to an offence. It is particularly alarming that according to the reports, such practice was widespread and facilitated by high ranking officials.

In addition to [the foregoing statement, media outlets also released secret video recordings provided by the office of the prosecutor](#) – a collection of footage of men engaging in sexual activities, in which bodies are blurred to conceal their identities. However, some of the recordings allow identification of persons including by hair color, clothes and body build. GYLA believes that such release of the video recordings by the state falls short of the requirement about necessary caution for protection of personal life of an individual and is in conflict with the standards of Article 8 of the ECHR. Despite high public interest in the ongoing proceedings, release of intimate information about personal lives of individuals is a disproportionate measure for meeting the interest. Release of the video material as evidence did not constitute the most relevant/useful measure available to show public the signs of alleged offence; other measures could have been utilized. In view of the fact that LGBT community is a vulnerable group and there are clear intolerance towards them, the state has a positive obligation to pay particular attention to protection of their rights and do all things possible for prevention of possible discrimination against sexual minorities.

Further, such release of secretly recorded video footage about personal lives of individuals by media falls short of journalistic code of ethics directly obligating media outlets to protect personal lives and prevent possible discrimination.

GYLA calls on media outlets to stop releasing the video footage and never to broadcast such video footage again. Further, GYLA calls on the investigating authorities to treat with particular caution release of information that may violate the right to privacy or any other right.

Persons who could be identified on the videotape released by the state are entitled to

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claim a compensation for damage. GYLA stands ready to provide legal assistance in full observance of attorney-client privilege.