



"This Affects You" campaign organizations respond to the statement of the Deputy Minister of Interior Levan Izoria

A group of non-governmental organizations has launched "This Affects You " Campaign against illegal eavesdropping and surveillance. The campaign aims to change the existing practice of eavesdropping and surveillance by law enforcement agencies in Georgia and to bring the law in line with the Georgian Constitution and the best practice of European countries.

Minister of Interior Aleksandre Chikaidze expressed his readiness for dialogue when the campaign was launched. In response to his statement, the campaigners stated their willingness to meet with the Ministry's senior officials to exchange views on the proposed draft legislation on surveillance.

Regrettably, the Ministry's representatives refrained from holding a working meeting where they would provide their arguments regarding the principles and concrete articles of the draft law. Instead, to our great surprise, Deputy Interior Minister Levan Izoria criticized the NGOs involved in the campaign. We would like to respond to the Deputy Minister's unsubstantiated accusations:

1. First of all, Mr. Izoria's statement that the campaign has nothing to do with civil activism, is purely political and is discrediting state institutions is alarming.

We believe, that this kind of attitude is unacceptable for a democratic state and is detrimental to the idea of civil activism.

2. The Deputy Minister states that he can say with a full sense of responsibility that no illegal eavesdropping surveillance is taking place, despite the fact while the MIA has retained the old surveillance system and regulations, and the same personnel who had been illegally monitoring citizens for years continue to be involved surveillance. The legal framework has not been systematically revised and the norms that restrict the constitutional rights of citizens have not been amended.

3. In the article Levan Izoria is talking about improving the law but does not mention the circumstances that made the legal amendments necessary. The Deputy Minister denies the existence of a systematic problem of surveillance. We believe that, effective legal amendments cannot be implemented without recognizing of the very existence of the problem. We would like to point out that the Inter-Agency Task Force, of which the MIA is a member, has unanimously adopted the Human Rights Strategy which says, that “The Ministry had and still has access to phone calls, SMS, E-Mail and other means of electronic communication” and that it is necessary to introduce clear regulations and monitoring. Considering this, Mr. Izoria’s claim that the problem does not exist seems strange. It is regrettable that the Ministry official speaks about the need to solve the problem, while, at the same time, and, refusing to discuss the problem in detail and describing the attempts to promote reforms as “discrediting of state institutions.”

4. The Deputy Minister states that the This Affects You campaign “probably serves political interests, which I will not specify now”. In the same article, one of the Deputy Minister’s main messages is that it is necessary to support accusations with facts. We believe that, through this statement, the Ministry indirectly accuses civil society organizations in allying themselves with the opposition. While this statement is extremely offensive, it also appears that the Deputy Minister finds it unthinkable that civil society organizations would act independently and responsibly.

5. The most worrying part of the Deputy Minister’s interview is the one where he says that the slogan “they continue eavesdropping on us” is “an accusation of committing a crime”. The Deputy Minister expresses concern over

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the amendment to the Criminal Code: “Defamation was removed from the Criminal Code. As a result, everyone talks about whatever they wish today. Yet, responsibility for defamation exists in all European states.” There is an impression that, if defamation were still part of the Criminal Code, the state would begin prosecution against the campaign’s participants.

Finally, we would like to share the latest results of a nationwide public opinion survey which showed that more than 60 percent of citizens feel that they are still under surveillance. Given such public attitude, we believe that we have every right to address the Ministry of Interior Affairs with the following questions as often as we can: Is our legislation in line with the European standards? Why does the Georgian legislation not determine precise time limits for surveillance and the circle of people under surveillance, as well as effective tools of oversight? Is it true that the culprits are not being punished because you are using their experience to your own advantage? Could it be possible that you are retaining control over this people by holding strong evidences against them? Could it also be possible that fear is the reason why these people keep conducting illegal activities with the same success as they used to do in the recent past? How can we talk about protection of privacy given that the number of illegally recorded videos exceeds 20,000 and no one has been prosecuted for these actions so far? How are we supposed to react when illegally recorded tapes have names of employees on them and those employees are still working in the system?

There would have been no need for this campaign, had the draft legislation not been shelved in Parliament 10 months ago. We do not aim to eliminate the entire practice of wiretapping or surveillance. Instead, we want to create a system that will render this dangerous power of the law enforcement institutions compliant with the European legal framework.

The Ministry of Interior’s harsh reactions have deepened the public’s concern: Why is the Ministry resisting the introduction of oversight mechanisms if there no illegal surveillance is taking place and the monitoring will not demonstrate that the practice is still in place?