

Georgia's Surveillance Society

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Fears grow as secret surveillance material is increasingly aired in public. Following the local elections in Georgia in October, the Rustavi-2 television station broadcast a compromising video of opposition Koba Davitashvili, leader of the opposition Conservative Party.

The video, which had been shot in a restaurant in Tbilisi, apparently showed Davitashvili promising his interlocutor a place on his party's election list in exchange for 20,000 US dollars.

Soon afterwards, a scandal broke out when a secret video recording exposed corruption in the United State Fund for Social Insurance, as a result of which top officials found themselves behind bars.

In another expose, a secret video camera installed in parliament deputy Gia Nutsunidze's room showed footage of him seemingly handing over bribe to a senior education ministry official.

In the summer, an allegedly secret audio recording of a phone conversation between fugitive paramilitary leader Emzar Kvitsiani and opposition politician Irakly Batiashvili was the pretext for arresting Batiashvili on charges of high treason.

These are just four instances in a long list of cases in which the secrets of prominent people have been exposed with the help of secret recordings, broadcast to the public.

According to the Georgian constitution, "everyone's private life, place of personal activity, personal records, correspondence, communication by phone or by other technical means, as well as messages received through technical means are inviolable. Restriction of the aforementioned rights is permissible by a court decision or also without such a decision in the case of urgent necessity provided for by law".

The second part of this apparently gives license to the law enforcement agencies to use surveillance as a weapon.

Elene Tevdoradze, a member of parliament with the ruling party and chairwoman of the Parliament Human Rights Committee, said she thought surveillance was justified.

"As a human rights activist, I categorically oppose the interference in people's personal lives," she said. "However, given the current situation in this country, we have to tolerate a lot of things if we want to be protected against the threats to our country. I would like to remind you that secret recordings have been legalised in the United States and the United Kingdom to combat terrorism effectively."

However, Tevdoradze herself admitted that she feels psychologically uncomfortable when she talks on the phone, as someone may be tapping her too. And lawyers and human rights activists are concerned about both the extent and the legality of the surveillance tactics being used."

Lawyer Malkhaz Jangirashvili said that almost all the evidence in the criminal cases that he is currently dealing with comes from secret recordings.

"Ninety per cent of my cases and the cases of my colleagues are deliberately provoked, by which I mean that a tapping device is installed and a conversation is provoked," he told IWPR. "Even neutral conversations that have nothing to do with a crime can be regarded as evidence. On the whole all the cases that get solved are underpinned by this method."

Jangirashvili said that tapes are also forged and, "due to the lack of technical means and qualified specialists, no high-quality examination of recordings is provided".

He argues that secret tapping is widely used because of a lack of professionalism.

"The investigation and operational service are unable to collect any other kind of proof, as this is quite a labour-intensive process and needs a certain level of professionalism," he said. "This is why they take the easy path of secret recordings, as otherwise they would be unable to solve cases."

Legal experts are also concerned about the way the secret recordings are made public via the media. The law enforcement agencies frequently use them as part of their publicity campaigns, with the media seemingly having no objection to broadcasting the material.

"The media are basically working for the law enforcement agencies," said Republican Party leader and lawyer Tinatin Khidasheli. "Journalists have normal channels of information closed to them but the media allows itself to be used by the security agencies.

"For example, by making public the absolutely illegal recording involving Koba Davitashvili, the media promoted ethnic enmity - in the recording, Davitashvili [allegedly] used the word 'Armenian' in an insulting manner. This is a classic example of the lack of professionalism. The media would have been held responsible for this in any civilised country."

Khidasheli cited examples of hidden cameras and phone tapping also being used in internal political battles. For example, prisons boss Bacho Akhalaia who has a difficult relationship with the human rights ombudsman Sozar Subari, made public a recording of an apparent phone conversation between a representative of the ombudsman and a former prisoner who allegedly spoke about giving a bribe to a prison guard.

Opposition parliamentary deputy Kakha Kukava says he is not against secret recordings if they are obtained legally. "But everything that we see on television is recorded illegally, and it is even edited in some cases," he said.

Kukava said his main worry was that it was instilling a "fear syndrome" amongst the public. "Many citizens who come to me as a deputy for help are afraid to speak about their problems on the telephone," he told IWPR.

Eight out of ten ordinary Georgians IWPR spoke to said that they prefer not to discuss serious issues on the phone.

"I never speak about politics on the telephone, as a serious friend of mine warned me that all telephones are being tapped," said Maia, a 47-year-old dentist.

"I don't even know what's worse - not to be able to expose one more corrupt official or to have a constant feeling that a video eye or a listening device is somewhere close to you," said Giga, 34.

Human rights activists and lawyers say they are also concerned about the practice of surveillance of prisons, in violation of the confidentiality of meetings between lawyers and prisoners. Subari has appealed to the prison department to take down video cameras from jail meeting rooms on the grounds that this violates Georgian law. So far, he has met with a refusal on the grounds that the practice is permissible under UN basic principles on the treatment of prisoners.

Georgia's Young Lawyers' Association has also appealed to the country's constitutional court to protest that the kind of surveillance which is currently practiced by the law enforcement agencies is unconstitutional.

The court accepted the application and has said it will answer within six months.

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