

COVERT SURVEILLANCE IN GEORGIA

2018-2020



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1. Introduction

The Supreme Court of Georgia prepares a registry of covert investigative actions. The registry holds statistics on covert investigative activities, in particular, on the motions for carrying out covert investigative actions submitted to the court and the court rulings on them.¹

The present study reviews the statistics on the motions for carrying out covert investigative activities, as well as for approval of covert investigative activities carried out under the circumstances of urgency, submitted to, heard, and granted by the first instance courts in 2018-2020. The study also provides statistics on judicial orders on electronic surveillance submitted to the LEPL Operational-Technical Agency under the Law of Georgia on Counter-Intelligence Activities.

In addition, the study highlights the recent cases of circulation of illegal recordings and wiretapping, which indicates the existence of serious challenges to privacy in the country.

The information given in the study is based on the statistics of covert investigative activities provided by the Supreme Court of Georgia and published on the website of the same court, on the public information received from the LEPL Operational-Technical Agency of Georgia, as well as on the reports of the State Inspector's Service and the Public Defender.

2. Key Findings

- During 2020, a total of **997** motions for wiretapping and covert recording were heard by the first instance courts of Georgia. The Tbilisi City Court heard **62%** of all these motions.
- The number of wiretapping and covert recording of subscriber numbers has gradually increased since 2018 and reached as high as **2403** cases in the first quarter of 2021, which is almost half the total of the previous year.
- The number of resolutions on wiretapping and covert recording carried out under the urgent circumstances submitted to the State Inspector's Service by the prosecutors has been steadily rising since 2018. The figure for resolutions stood at only 36 in 2018, followed by a considerable increase to 81 in 2019, and 107 in 2020. In the first quarter of 2021, it has already reached 32.
- The cases of using the mechanism of suspension of wiretapping and covert recording by the State Inspector's Service also grew in parallel with the rising number of wiretapping and covert recording in recent years. In 2020, the figure for the use of the suspension mechanism reached a peak of 116 cases (115 on court rulings and 1 prosecutor's resolution).
- Over the past three years, 2020 saw the highest grant rate of motions related to wiretapping and covert recording at **92%**. The number stood at **88%** in 2018, while in 2019, the courts granted only **84%** of motions.
- Overall, in 2020, 3442 motions for covert investigative activities were submitted to the first instance courts of Georgia. As in past years, the majority of motions were submitted to the Tbilisi City Court.
- The number of motions for covert investigative actions submitted to the first instance courts of Georgia decreased significantly - by 51% - compared to the previous year. Furthermore, the rate of the motions being

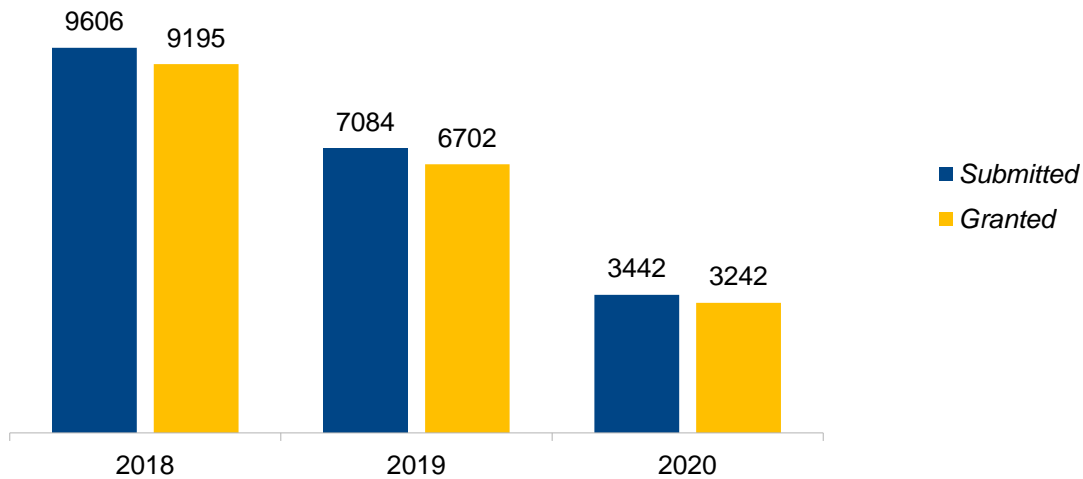
¹ Article 142¹⁰ of the Criminal Procedure Code of Georgia.

granted showed a downward trend: in 2018, the percentage of motions granted by the courts was at 95.7%, in 2019 - 94.6%, and 2020 - 94.2%.

- The proportion of motions for approval of carried out covert investigative action under the circumstances of urgency heard by the courts has increased since 2018. In 2018, only 1% of the motions heard by the first instance courts were related to the approval of carried out covert investigative action under the circumstances of urgency, increasing up to 4% in 2019 and 6% in 2020.
- The proportion of motions granted by the courts regarding the approval of carried out covert investigative actions was at **92.6%** in 2018, dropping to **84.7%** in 2019, and peaking at **98.6%** in 2020.
- Illegal wiretapping and the dissemination of secret recordings, as well as the impunity of the perpetrators, remain serious problems, which show the lack of adequate safeguards for the protection of the right to privacy.

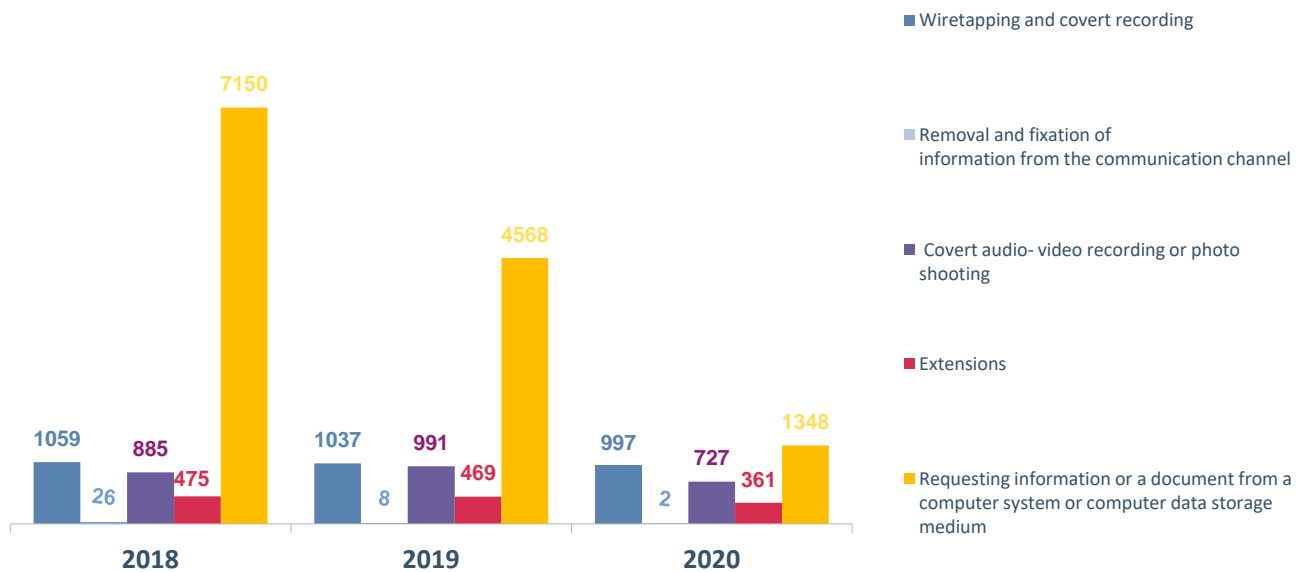
3. Statistics on Covert Investigative Activities

Statistics on the Motions for Covert Investigative Activities



The number of motions for covert investigative actions submitted to the first instance courts of Georgia decreased significantly, by 51%, compared to the previous year. Furthermore, the rate at which these motions were granted showed a downward trend: in 2018, the percentage of motions granted by the courts was at 95.7%, in 2019 - 94.6%, and 2020 - 94.2%.

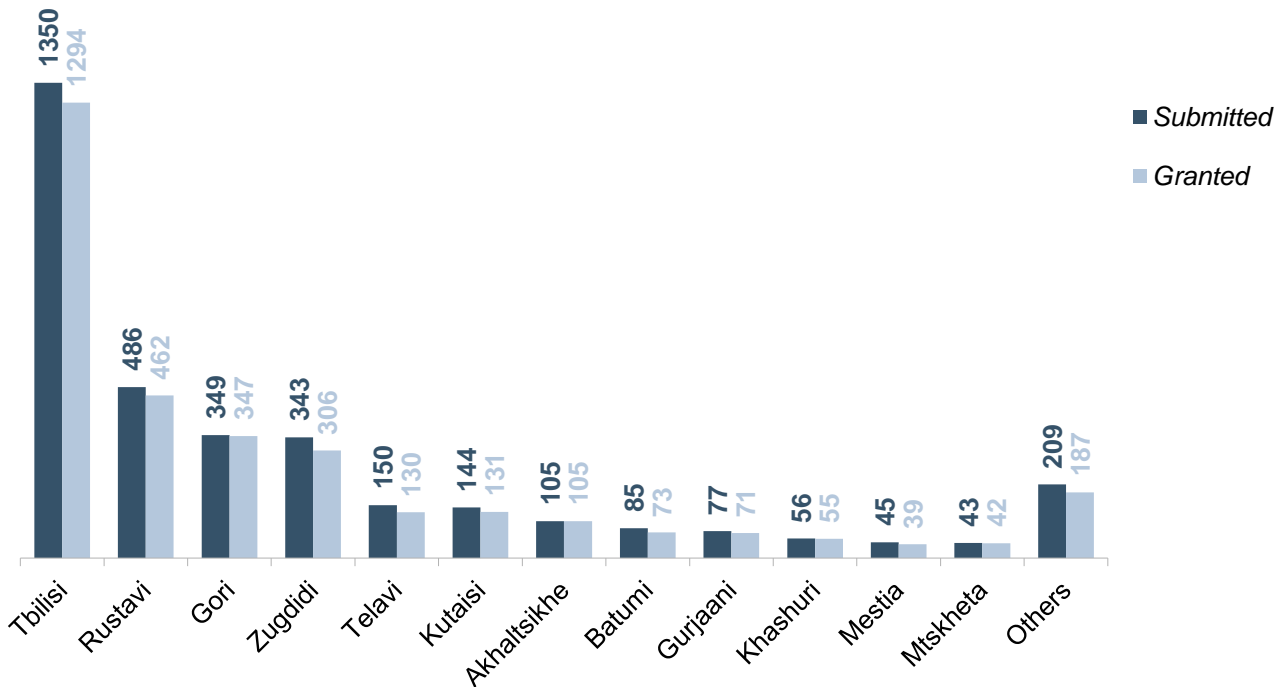
Motions for Covert Investigative Activities heard by courts per year



Along with the covert investigative activities, the bar chart shows the investigative action provided for in Article 136 of the Criminal Procedure Code of Georgia (requesting information or a document from a computer system or computer data storage medium), as the standards of covert investigative measures are also applicable to the investigative activities linked to computer data.

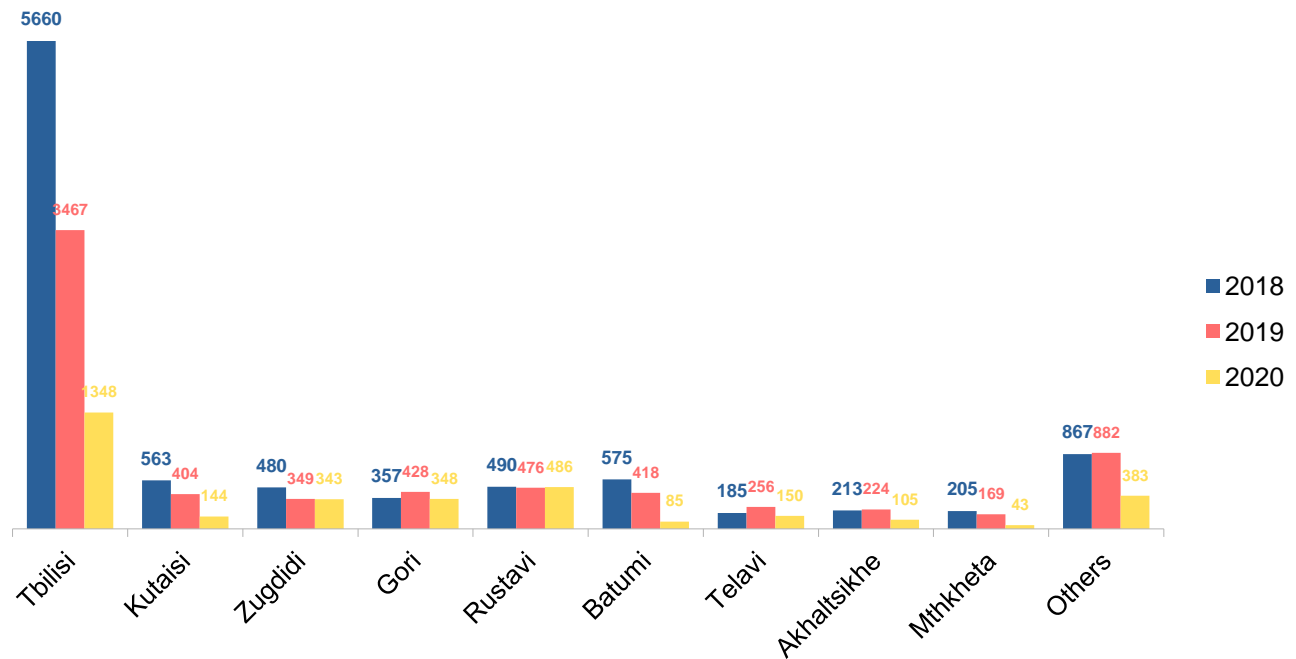
In 2018, 2019, and 2020, the highest number of motions heard by courts was on requesting a document or information from computer system or from computer data storage medium. Wiretapping and covert recording is the investigative action on which the courts of the first instance have heard the second-highest number of motions. The least number of motions heard by the courts was related to removal and fixing of information from the communication channel. No motions were heard regarding real-time identification of geolocation, postal and telegraphic transfer monitoring (except for a diplomatic post), and electronic surveillance through technical means over the period given.

Data on the Motions for Covert Investigative Activities by city/district courts



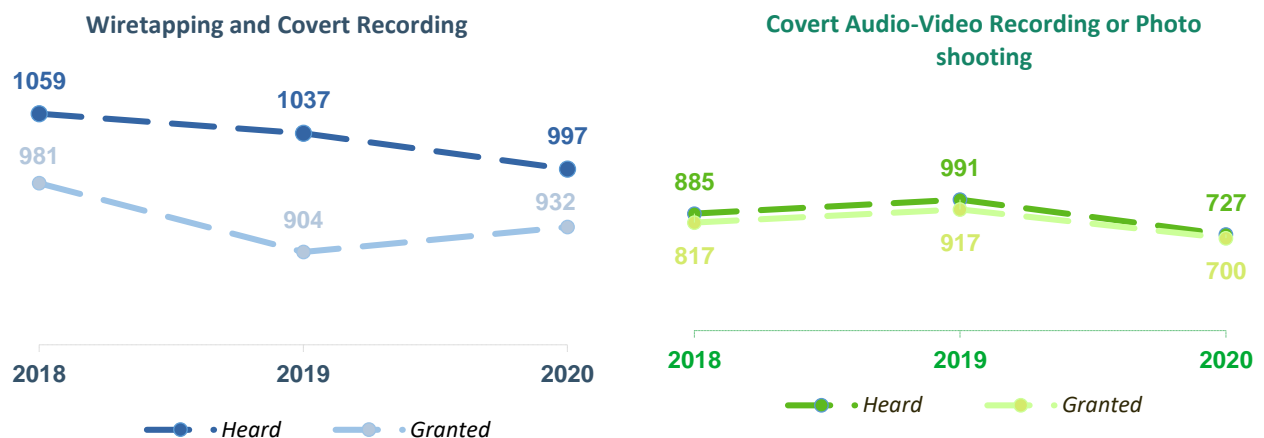
Overall, in 2020, 3442 motions for covert investigative activities were submitted to the first instance courts of Georgia. As in previous years, the majority of these motions were filed with the Tbilisi City Court. The majority of the motions were submitted to the courts in the following cities: Tbilisi, Rustavi, Gori, Zugdidi, Telavi, and Kutaisi. The proportion of motions submitted to the courts in these cities is as follows: in 2020, the Tbilisi City Court saw 39.2% of all submitted motions; Rustavi, Gori, Zugdidi, Telavi, and Kutaisi followed with 14%, 10%, 10%, 4.4%, 4.2 respectively. As for the outcomes of motions, the Gori district court saw the highest rate of them being granted, with the court granting 99% of all submitted motions.

Motions for Covert Investigative Activities heard by the courts per year and by city/district courts



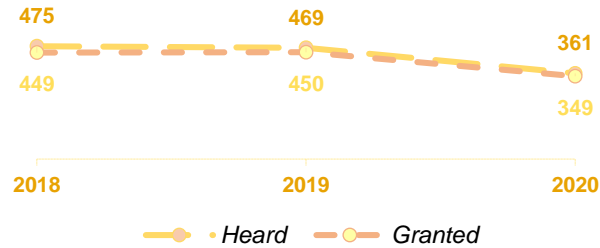
As the bar chart illustrates, in the past three years, the majority of the motions for covert investigative activities were heard in the following cities: Tbilisi, Kutaisi, Zugdidi, Rustavi, Batumi, Telavi, Akhalsikhe, and Mtskheta. Overall, the highest number of motions were heard in Tbilisi at 10,415, and the lowest - in Martvili at 1 (the latter is included in the column of **others**).

Number of heard and granted motions for each covert investigative action per year



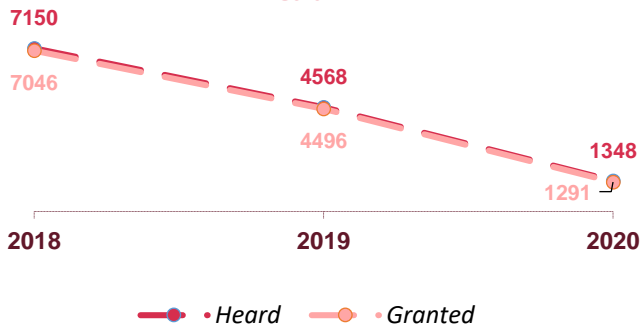
(For both line charts, the Y-axis Maximum Value is 1200)

Extensions



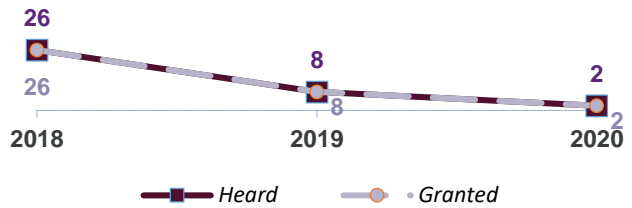
(Y-axis Maximum Value is 1200)

Requesting information or a document from a computer system or computer data storage medium



(Y-axis Maximum Value is 8000)

Removal and fixation of information from the communication channel

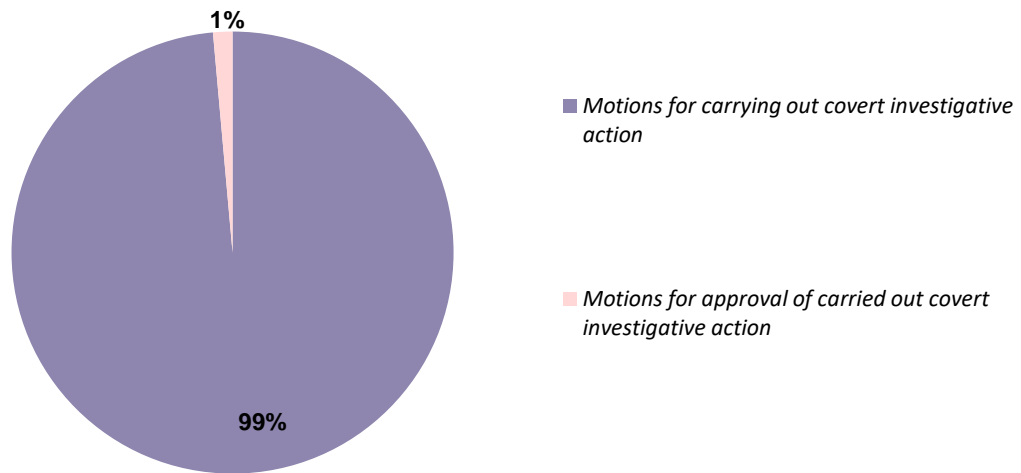


(Y-axis Maximum Value is 100)

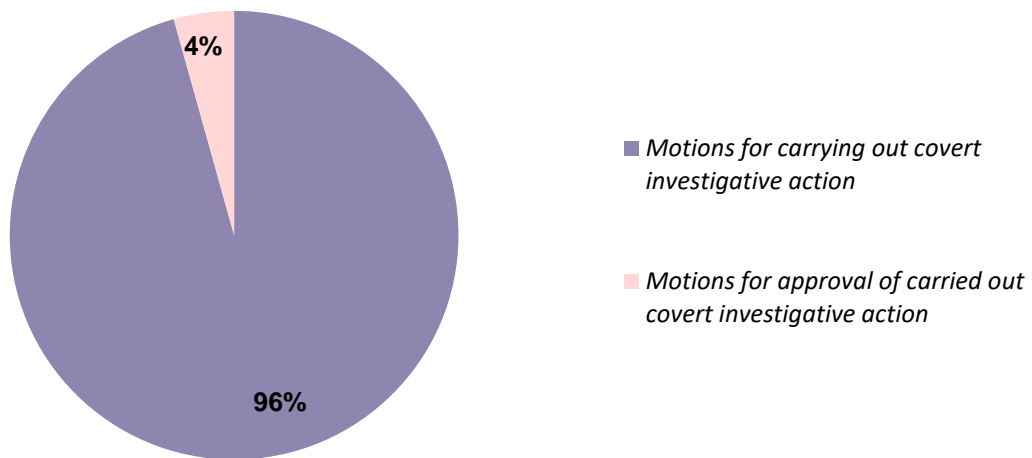
As the line charts above show, the motions for removal and fixing of information from the communication channel have the highest rate of being granted. On the other hand, the figure for motions *heard* by the courts for removal and fixing of information from the communication channel is considerably low. In 2020, the courts heard only two motions. The number of motions for wiretapping and covert recording heard by the courts decreased over the last three years, while the latest year showed an increase in the number of motions granted by the courts. There is also a growing tendency to grant motions for extension of covert investigative action and covert audio-video recording or photo shooting. In addition, the motions for requesting information or a document from a computer system or computer data storage medium granted by the courts have experienced a continuous decrease since 2018.

Motions for approval of covert investigative activities carried out under the circumstances of urgency

Motions for carrying out Covert Investigative Action and for approval of carried out Covert Investigative Action under the circumstances of urgency in 2019



Motions for carrying out Covert Investigative Action and for approval of carried out Covert Investigative Action under the circumstances of urgency in 2019



Motions for carrying out Covert Investigative Action and for approval of carried out Covert Investigative Action under the circumstances of urgency in 2020



The proportion of motions for approval of carried out covert investigative action under the circumstances of urgency heard by the courts has increased since 2018. In 2018, only 1% of motions heard by the first instance courts were regarding the approval of already carried out covert investigative action under the circumstances of urgency, increasing up to 4% in 2019 and 6% in 2020. The proportion of motions granted by the courts regarding the approval of carried out covert investigative actions was at 92.6% in 2018, dropping to 84.7% in 2019, and peaking at 98.6% in 2020.²

3.1. Wiretapping and Covert Recording

Over the past three years, most of the motions for wiretapping and covert recording of telephone communications have been heard by the Tbilisi City Court. In 2020, the number of motions heard by the Tbilisi City Court decreased compared to the previous year. The remaining cities, where the courts heard the higher number of motions are Kutaisi, Rustavi, Zugdidi, Batumi, and Gori (for detailed data see the table below). Overall, in 2020, the Tbilisi City Court saw 62% of all motions heard by courts related to wiretapping and covert recording. Of the six cities mentioned above, in 2020, Tbilisi, Rustavi, and Batumi experienced a decrease in the number of motions heard by courts, while the figure increased slightly in Kutasi and Gori, and by nearly 2.4 times in Zugdidi as compared to the previous year.

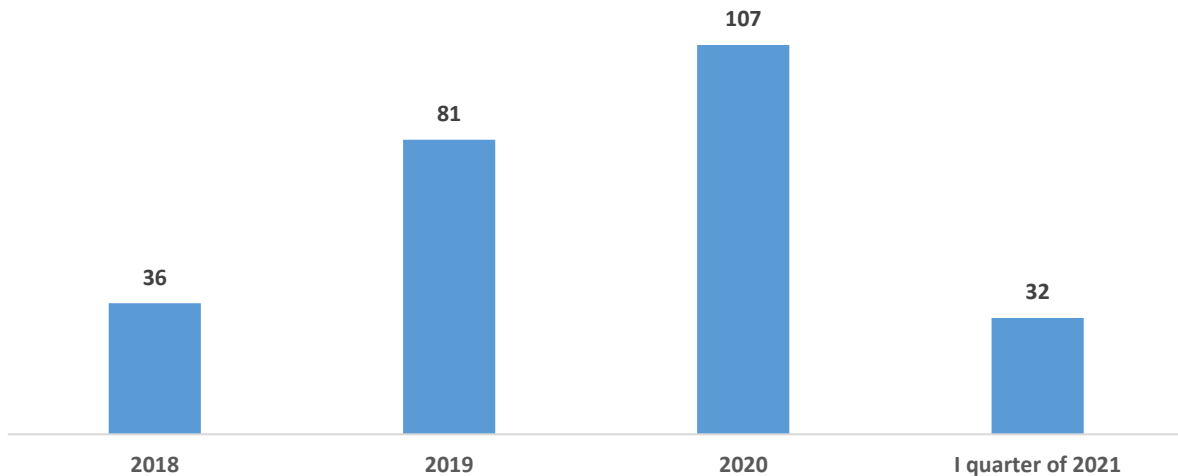
Motions for Wiretapping and secret recording heard by the courts in 2018-2020

City	2018	2019	2020	Total
Tbilisi	658	669	614	1941
Kutaisi	92	59	60	211

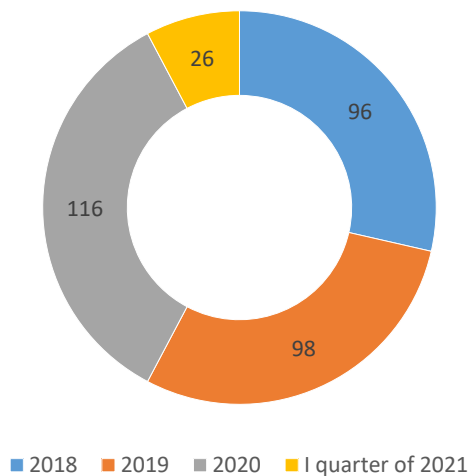
² According to the annex of letter N 3-320-21 of the Supreme Court of Georgia, dated May 17th, 2021, in 2018, the courts granted 126 out of 136 motions heard by the courts, in 2019, 260 out of 307, and, in 2020, 199 out of 202.

Rustavi	65	78	59	202
Zugdidi	41	22	52	115
Batumi	28	46	30	104
Gori	24	25	27	76
Bolnisi	26	24	17	67
Telavi	19	24	18	61
Akhaltzikhe	33	14	16	63
Mtskheta	21	15	22	58
Ozurgeti	11	7	13	31
Gurjaani	8	14	7	29
Samtredia	1	7	15	23
Sighnaghi	5	0	11	16
Akhalkalaki	2	12	1	15
Tetritskaro	7	4	4	15
Mestia	0	2	9	11
Senaki	5	1	4	10
Zestaponi	1	3	5	9
Khashuri	4	3	1	8
Tsalenjikha	2	5	1	8
Poti	2	2	3	7
Sachkhere	0	0	5	5
Khelvachauri	3	1	0	4

The number of motions for Wiretapping and Covert Recording carried out under the circumstances of urgency submitted to the State Inspector's Service by Prosecutors per year



The use of the mechanism of suspension of the ongoing wiretapping and covert recording by the State Inspector's Service



The cases of using the mechanism of suspension of wiretapping and covert recording by the State Inspector's Service also grew in parallel with the rising number of instances of wiretapping and covert recording in recent years. In 2020, the figure for the use of the suspension mechanism reached a peak of 116 cases (115 on court rulings and 1 prosecutor's resolution).³ According to the Annual Report of the State Inspector's Service, *the reason for suspension of the ongoing wiretapping-recording of the telephone communication was the non-compliance with the deadlines established by the Criminal Procedure Code on submitting the relevant court rulings to the State Inspector's Service or the ambiguity/inaccuracy in the prosecutor's resolution.*⁴

³ 2020 Annual Report of the State Inspector's Service, p. 100, available at: <https://bit.ly/3wgJPSv>, date of access: 19.05.2021.

⁴ Ibid.

Motions by the articles of the Criminal Code of Georgia

Article of the Criminal Code of Georgia	2018	2019	2020	Sum
Article 223 ¹ Membership of the criminal underworld; thief in law	184	118	113	415
Article 180. Fraud	94	141	94	329
Article 108. Murder	58	68	92	218
Article 260. Illegal manufacturing, production, purchase, storage, transportation, transfer or sale of drugs, their analogues, precursors or new psychoactive substances	86	66	65	217
Article 338. Bribe-taking	76	56	39	171
Article 181. Extortion	83	37	43	163
Article 210. Manufacturing, sale or use of forged credit cards or charge cards	51	48	50	149
Article 177. Theft	47	45	41	133
Article 117. Intentional infliction of grave injury	20	35	71	126
Article 182. Appropriation or embezzlement	44	42	16	102
Article 179. Aggravated robbery	44	17	20	81
Article 109. Murder under aggravating circumstances	22	24	28	74
Article 194. Legalization of illegal income (money laundering)	13	21	28	62
Article 143. Unlawful imprisonment	15	14	22	51
Article 218. Tax evasion	4	22	12	38
Article 236. Illegal purchase, storage, carrying, manufacturing, transportation, forwarding, or sale of firearms	17	19	0	36
Article 212. Manufacturing or sale of forged money or securities	11	11	14	36
Article 339. Bribe-giving	10	17	8	35
Article 221. Commercial bribery	11	15	4	30
Article 223. Creation or management of illegal formations, or joining and participation in such formations, and/or implementation of other activities in favor of illegal formations	12	12	1	25
Article 315. Conspiracy or rebellion intended to change the constitutional order of Georgia through violence	0	19	5	24
Article 187. Damage or destruction of property	14	4	5	23
Article 372. Exertion of influence on a witness, victim, expert or interpreter	14	6	3	23
Article 323. Act of terrorism	3	8	9	20

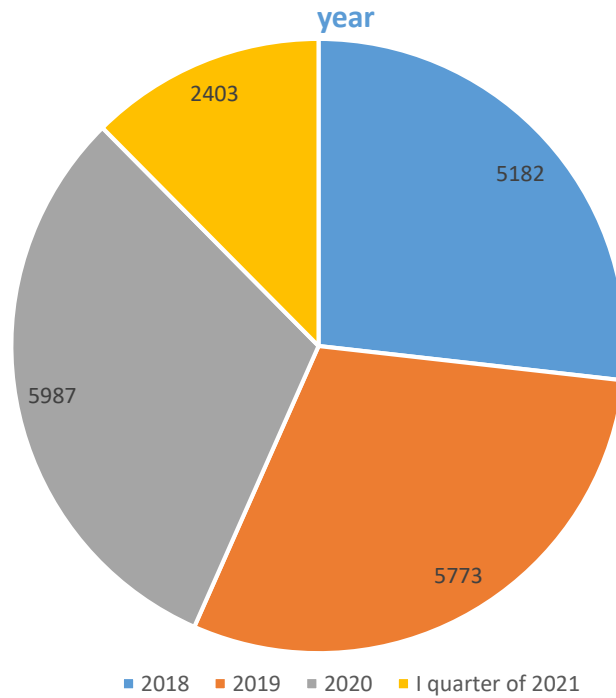
Article 200. Release, storage, sale or transportation of excisable goods without excise stamps	8	5	7	20
Article 143 ² Child trafficking	3	7	9	19
Article 141. Lewd act	6	4	8	18
Article 362. Making, sale or use of a forged document, seal, stamp or blank forms	11	5	2	18
Article 254. Promotion of prostitution	7	11	0	18
Article 137. Rape	2	2	13	17
Article 284. Unauthorised access to computer system	3	3	9	15
Article 178. Robbery	7	5	3	15
Article 239. Hooliganism	0	4	9	13
Article 214. Breach of the procedure related to the movement of goods across the customs border of Georgia	3	7	3	13
Article 262. Illegal import or export of drugs, their analogues, precursors or new psychoactive substances to/from Georgia or their international transportation by transit	4	8	1	13
Article 144. Taking a hostage	4	9	0	13

The table does not list all the crimes linked with the motions for wiretapping and covert recording heard by the courts in 2018-2020

Most of the motions for wiretapping and covert recording heard by the courts in the past three years are linked with the following crimes included in the Criminal Code of Georgia: Membership in the criminal underworld (thief in law); Fraud; Murder; Illegal manufacturing, production, purchase, storage, transportation, transfer, or sale of drugs, their analogues, precursors, or new psychoactive substances; Bribe-taking; Extortion; Manufacturing, sale, or use of forged credit cards or charge cards. In 2020, the number of motions heard by courts linked with these crimes decreased slightly compared to the previous year. The only exceptions are the number of motions linked with Extension, Murder, and Manufacturing, sale, or use of forged credit cards, or charge cards. Further, the figure for the motions linked with intentional infliction of grave injury increased by 102.86%.

56% of all the motions for wiretapping and covert recording granted by the courts in 2020 are linked with the following crimes included in the Criminal Code of Georgia: Membership in the criminal underworld (thief in law); Fraud; Murder; Intentional infliction of grave injury; Illegal manufacturing, production, purchase, storage, transportation, transfer, or sale of drugs, their analogues, precursors, or new psychoactive substances; Manufacturing, sale, or use of forged credit cards or charge cards; Extortion; Theft; Bribe-taking;

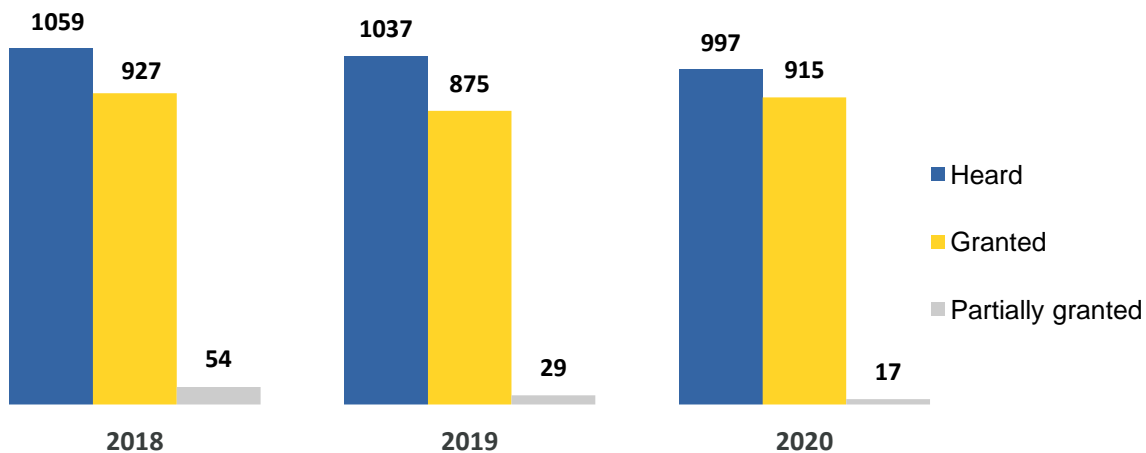
Statistics on Wiretapping and Covert Recording of Subscriber Number per year



The number of wiretapping and covert recording of subscriber numbers has gradually increased since 2018 and reached as high as 2403 in the first quarter of 2021.

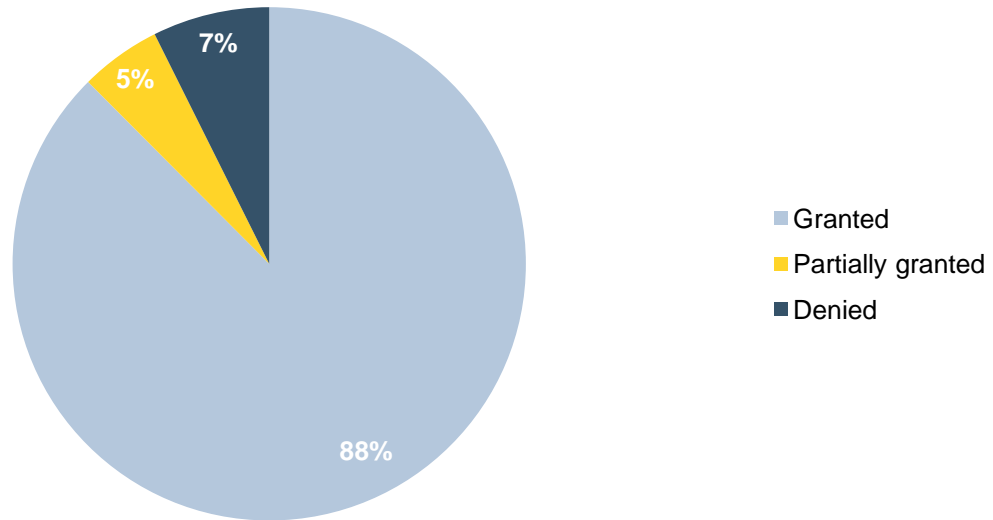
In addition, the number of resolutions on the wiretapping and covert recording carried out under urgent circumstances submitted to the State Inspector's Service by the prosecutors has been rising steadily since 2018. The figure for resolutions stood at only 36 in 2018, followed by a considerable increase to 81 in 2019 and to 107 in 2020. In the first quarter of 2021, it has already reached 32.

Motions for Wiretapping and Secret Recording Heard by the Courts

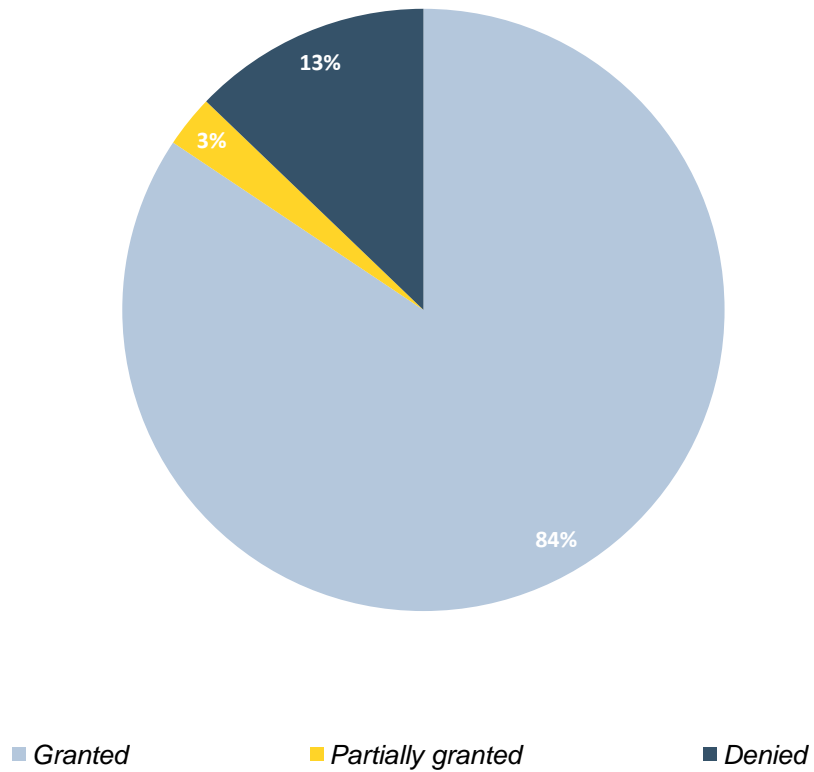


Since 2018, there has been a slight decrease in the number of motions for wiretapping and recording of telephone communications heard by the courts.

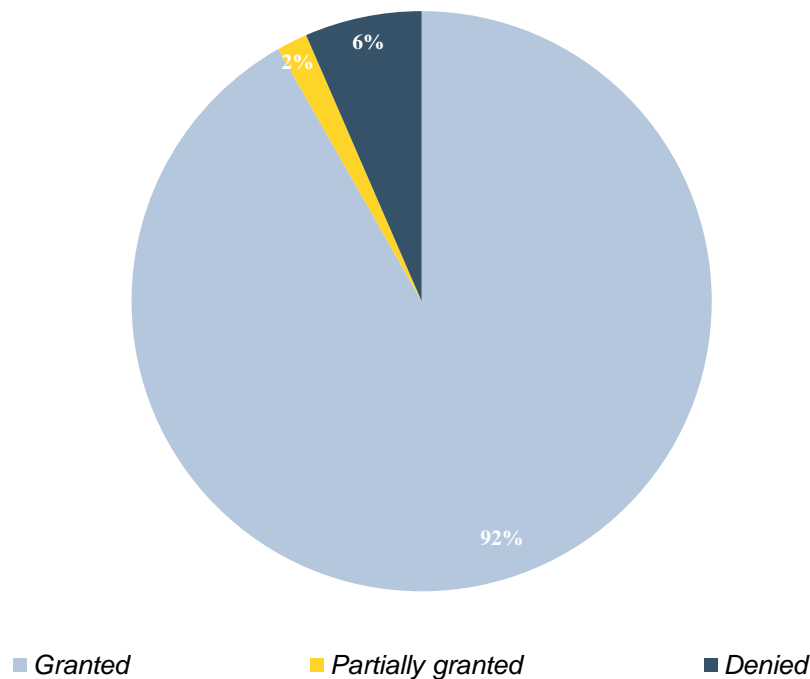
Motions for Wiretapping and Covert Recording heard by the Courts in 2018



Motions for Wiretapping and Covert Recording heard by the courts in 2019



Motions for Wiretapping and Covert Recording heard by the courts in 2020



Over the past three years, 2020 saw the highest rate of motions related to wiretapping and covert recording being granted, at 92%. The number stood at 88% in 2018, while in 2019 the courts granted only 84% of such motions.

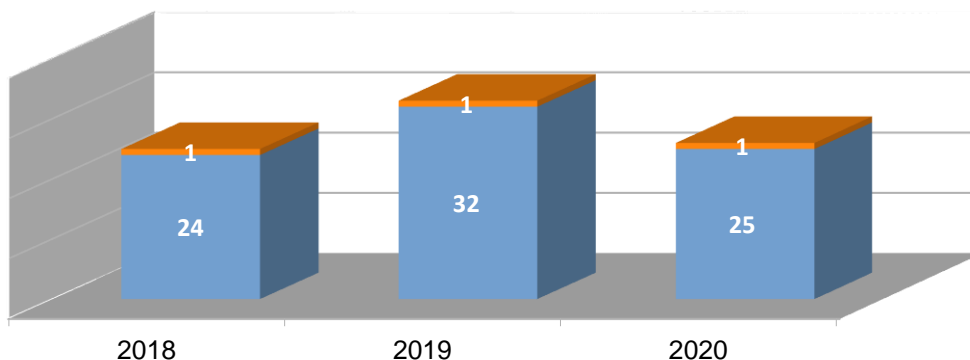
4. Statistics on Judicial Orders submitted to the LEPL Operational-Technical Agency

In order to obtain statistical information on the operative-technical measures provided for in paragraph 2 of Article 9 of the Law of Georgia on Counter-Intelligence, IDFI requested information from the LEPL Operational-Technical Agency this year as well. Unlike the year 2020, the Agency responded to IDFI's request in writing and provided general statistical information on the judicial orders submitted to the Agency, which address the types of electronic surveillance provided for in Article 9.3 of the Law on Counter-Intelligence, namely, wiretapping and covert recording, as well as removal and fixing of information from the communication channel, computer system, and for this purpose installation of appropriate software means in the computer system.

According to the legislation, an authorized Supreme Court Justice has the right to issue orders related to the authorization of electronic surveillance if there are objective grounds and if the requirements of the law are met, in particular, if the legal grounds for implementing the special measures of counter-intelligence activities are satisfied and if the authorized representative of the head of the special service submits a motion to the Supreme Court of Georgia for electronic surveillance.⁵

⁵ Law of Georgia on Counter-Intelligence Activities, article 13.

Judicial Orders submitted to the LEPL Operational-Technical Agency in 2018-2021



- Orders related to the removal and fixation of information from the communication channel, computer system and for this purpose installation of appropriate software means in the computer system
- Orders related to the wiretapping and covert recording

Overall, Judicial Orders regarding the removal and fixing of information from the communication channel, computer system, and for this purpose installation of appropriate software means in the computer system were submitted to the Operative-Technical Agency only three times between 2018-2020 (one per year). In 2020, the number of orders for wiretapping and covert recording of telephone communications decreased compared to 2019 and dropped back to the level of 2018. According to the agency, in the past three years, a total of 84 orders have been issued for conducting these two activities.⁶

5. Illegal Wiretapping and Circulation of Illegal Recordings

The practice of violating the right to privacy by releasing illegal covert recordings did not lose relevance in 2020-2021. Earlier, in 2019, footage depicting the personal life of a female politician was repeatedly circulated on the Internet, resulting in the arrest of 16 people, and later several more, charged with the offense of disseminating covert video recordings depicting private life.⁷ The Prosecutor's Office did not inform the public about initiating criminal prosecution against persons charged with initial recording, storing, and disseminating of footages.⁸ It is noteworthy that these persons have not been identified yet, with only the ones who kept these records or shared them with others being prosecuted.⁹

Further, the statement of Irakli Kobakhidze, the chair of the Georgian Dream party, raised doubts about illegal wiretapping during the pre-election period in 2020. He publicized the contents of a private conversation between Nato Gogelia, a journalist at TV Pirveli, and Beso Katamadze, a member of the Ozurgeti Office of the National

⁶ Letter SSG42100062411 of LEPL Operative-technical Agency of State Security Service of Georgia, dated 17th May, 2021.

⁷ IDFI, Statistics on Covert Investigative Activities in Georgia, 2015-2018, p. 20, available at: https://idfi.ge/public/upload/IDFI_2019/visegrad/surveillance_geo_final_July.pdf, access date: 01.06.2021.

⁸ Report of the Public Defender of Georgia, 2019, p. 127, available at: <https://www.ombudsman.ge/res/docs/2020070407523954521.pdf>, access date: 01.06.2021.

⁹ Available at: <https://gyla.ge/en/post/saia-piradi-ckhovrebis-amsakhveli-kadrebis-saqmeze-eka-beselias-interesebs-daicavs#sthash.KAIUu8T8.dpbs>, access date: 01.06.2021.

Movement political party, claiming that the National Movement was conspiring to stir noise on election day.¹⁰ It is noteworthy that the conversation occurred between the journalist and the regional representative of the National Movement only, and Gogelia was convinced that her telephone conversations were wiretapped. According to the Public Defender's report, presumably, "*no investigation was opened into this fact*".¹¹

On November 6, 2020, an illegal covert recording of telephone communications involving a female politician, a member of Parliament, and the United National Movement party, Salome Samadashvili, was leaked. The recording of the conversation between Salome Samadashvili and a stranger was published on the Ukrainian webpage - "obozrevatel". A recording of a conversation between Gubaz Sanikidze and Temur Alasania, the uncle of former Georgian President Mikheil Saakashvili, was also published on the same webpage.¹² Salome Samadashvili was convinced that the Georgian Dream party was behind the release of the recordings.¹³ It should be noted that Imedi TV broadcasted the recordings published on the Ukrainian website in Georgia.

On 6th of March, 2021, TV Pirveli aired covert audio recordings of the conversations, which allegedly had taken place between the Prime Minister of Georgia Irakli Gharibashvili, the Head of the Special State Protection Service (SSPS) Anzor Chubinidze, and Bera Ivanishvili, son of Georgian Dream founder, Bidzina Ivanishvili.¹⁴ The recordings suggest that the participants involved in the conversations humiliated and threatened young people, including minors, for expressing their views on social media. Non-governmental organizations issued a joint statement and called on law enforcement agencies to take an appropriate expert and/or other investigative measures for verifying the authenticity of the recording.¹⁵ The NGOs also highlighted the necessity of subjecting the Prime Minister to legal and political responsibility if the records were authentic.¹⁶ It should be noted that the Prosecutor's Office launched an investigation only into unauthorized recording of or eavesdropping on private conversations and illegal use and dissemination of or otherwise making available of recordings of private communications, or information obtained through technical means.¹⁷ The investigation started on the 4th day, shortly after the release of the records.¹⁸ On June 18, 2021, the Prosecutor's Office of Georgia published the interim results of the investigation, declaring that the audio recordings aired by Pirveli TV were "edited and falsified."¹⁹

In 2021, the fact that politician Ana Dolidze had been subject to illegal surveillance became known to the public. On March 21, 2021, Ivane Gulashvili, a former State Security Service employee, stated in his interview in the program "Post Factum" of the "Mtavari Arkhi" TV that he was tasked with installing surveillance equipment in the apartment of various people, including the flat of politician Ana Dolidze. Ana Dolidze confirmed that Ivane

¹⁰ Available at: <https://batumelebi.netgazeti.ge/news/309197/>, access date: 01.06.2021.

¹¹ Report of the Public Defender of Georgia, 2020, p. 119, available at: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf>, access date: 01.06.2021.

¹² Available at: <https://netgazeti.ge/news/496198/>, access date: 01.06.2021.

¹³ Ibid.

¹⁴ Netgazeti, a covert recording presumably with the participation of Bera, Gharibashvili, and Chubinidze, available at: <https://netgazeti.ge/news/524739/>, access date: 29.06.2021.

¹⁵ Statement of the NGOs on the audio recording broadcasted on TV Pirveli, available at: https://idfi.ge/en/statement_of_the_ngos_on_the_audio_recording_broadcasted_on_tv_pirveli, access date: 29.06.2021.

¹⁶ Ibid.

¹⁷ IDFI, Brief overview of recent developments in the field of personal data protection, 2021, p. 21, available at: https://idfi.ge/public/upload/Analysis/ENG%20brief_overview_of_recent_developments_in_the_field_of_personal_data_protection-min.pdf, access date, 29.06.2021.

¹⁸ Netgazeti, a double standard for investigating covert records? Available at: <https://netgazeti.ge/news/525684/>, access date: 29.06.2021.

¹⁹ Statement of the Prosecutor's Office of Georgia, available at: <https://pog.gov.ge/en/news/prokuratura-telekompania-pirvelis-eTershi-gasuli-faruli-audio-chanawerebis-safuZvelze-dawyebuli-ga>, access date: 29.06.2021.

Gulashvili's description of the furnishing and the apartment matched the interior of her apartment and the furnishings there.²⁰

The Public Defender's 2020 report highlighted the gender-motivated aspects of disseminating and obtaining illegal recordings depicting private life, stating that they touched mostly female politicians.²¹ Furthermore, Public Defender and NGOs issued a statement about the illegal surveillance of Ana Dolidze, emphasizing again the systematic practice of recording and disseminating videos depicting private life and the motivation of expelling women from public and political life.

The recurrence of obtaining/distributing covert recordings and the inefficient response to these cases indicate that serious shortcomings exist in the legal and institutional framework for covert surveillance. The existing regulations do not provide adequate safeguards for the protection of the right to privacy. At the same time, there is no effective system of oversight and control in the country, and public expectations for an efficient and transparent investigation into illegal recordings cases are low.²² Systemic reform of the legislative framework regulating the activities of the State Security Service and the Operational-Technical Agency is crucially important to ensure the protection of privacy.²³

The Public Defender and non-governmental organizations have been demanding an efficient and proper investigation into the facts of covert records dissemination for years. Illegal audio-video recording for blackmailing politicians and journalists and the inefficient and ineffective investigation into these crimes are systemic problems. No criminal prosecution has been launched into the privacy infringement cases on which investigations were opened in 2015-2017.²⁴

Unfortunately, in recent years, using covert recordings has gained a systemic character and become one of the methods of political retribution, posing a particular threat to women's equal participation in political life. The unhealthy and dangerous practice of using covert records also significantly affects freedom of expression. In addition, to this day, the impunity of the people who produced and disseminated illegal secret recordings originally remains a serious concern, normalizing the method as a powerful political weapon against opponents.

6. Conclusion

The data shows that the total number of motions for covert investigative activities submitted to the courts and the rate at which they have been granted have decreased between 2018-2020. The reason is the significant decline in motions for requesting information or a document from a computer system or computer data storage medium over the last three years. The number of motions related to this investigative action has decreased from 7,150 (in 2018)

²⁰ Available at: <https://www.radiotavisupleba.ge/a/31164137.html>, access date: 01.06.2021.

²¹ Report of the Public Defender of Georgia, 2020, p. 119, available at: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf>, access date: 01.06.2021.

²² IDFI's Statement on personal life footage, available at: https://idfi.ge/en/idfi_statement_on_personal_life_records, access date: 01.06.2021.

²³ Ibid.

²⁴ IDFI, Brief overview of recent developments in the field of personal data protection, 2021, pp. 20-24, available at: https://idfi.ge/public/upload/Analysis/ENG%20brief_overview_of_recent_developments_in_the_field_of_personal_data_protection-min.pdf, access date, 29.06.2021.

to 1,348 (2020).

On the other hand, the rate at which motions for extension of covert investigative action and for covert audio-video recording or photo shooting are granted has been increasing since 2018. The figure for motions for wiretapping and covert recording also grew compared to the past year. Furthermore, the proportion of motions for approval of covert investigative activities carried out under the circumstances of urgency heard by the courts has also been on the rise. The rate at which they were granted increased as well, reaching 98.5% in 2020. The rate of using the mechanism of suspension of wiretapping and covert recording by the State Inspector's Service has also grown over the past years.

In addition, illegal wiretapping and the dissemination of secret recordings, as well as the impunity of the perpetrators, remain serious problems. All cases of blackmail with private information obtained by illegal covert surveillance require a timely and effective response.

The legislative and institutional framework governing covert surveillance in Georgia has repeatedly been criticized for failing to set strict safeguards for the protection of privacy.²⁵ Unfortunately, there is no effective system of supervision and control in the country and no proper procedural guarantees to prevent the abuse of power.

²⁵ IDFI, Secret Surveillance in Georgia – Analysis of the Legislation and Practice, 2020, available at: https://idfi.ge/public/upload/Rule_of_Law/secret_surveillance_in_georgia-ENG.pdf, access date:

