

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Files in the Constitutional Court against Classification of Duration of Telephone Tapping as Secret

Today, the Georgian Young Lawyers' Association filed against paragraph 2, Article 10 of the Law of Georgia on Operative and Investigative Activities which regulates telephone tapping by law enforcement authorities.

Although the law regulates telephone tapping, it fails to define duration of the measure.

Duration is regulated by a departmental normative act of an agency, which in its turn is classified as secret. Therefore, duration of authorization of law enforcement officers for telephone tapping is unknown for public, whereas general terms of duration provided for by para. 2 of Article 10 of the Law of Georgia on Operational and Investigative Activities do not give an opportunity to identify whether telephone communications of a person concerned are intercepted. GYLA believes that classification of duration of the operative and investigative activities as secret violates the right to privacy and personal communication envisaged by Articles 16, 20 and 41 of the Constitution of Georgia. In cases of telephone tapping, law enforcement authorities are delegated with a broad authority for interfering with personal life of an individual concerned. At the same time, both public and the individual that may be personally affected by given operational and investigative activities of law enforcement authorities, are unaware of legal grounds for restriction of activities of the law enforcers.

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With its lawsuit filed in the Constitutional Court, GYLA demands that duration of telephone tapping not be regulated by a normative act classified as a state secret.