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Commission de l'immigration
et du statut de réfugié du Canada

Georgia: Police structure at the national and local levels; whether there exists a national computer system or registry of citizens that police have access to; whether police officers in districts not under their jurisdiction have access to an individual's residential information elsewhere in Georgia (2014-March 2015)

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1. Police Structure

Sources indicate that the Ministry of Internal Affairs (MIA) is Georgia's law enforcement agency (Georgia n.d.a; Interpol n.d.; US 27 Feb. 2014, 10), and that it controls the police force (ibid.; Interpol n.d.). According to the Organization for Security and Cooperation in Europe (OSCE), the MIA is headed by a minister who has five deputies (OSCE 19 Dec. 2013). The OSCE indicates that the Ministry possesses structural sub-divisions (departments) (ibid.). Sources indicate that the sub-divisions or departments include the police patrol department, the criminal police department, the border police of Georgia (GYLA 2 Mar. 2015; Georgia n.d.b; Interpol n.d.), and the security police

department (ibid.; Georgia n.d.b.). According to the OSCE, as of March 2011, the total number of staff at the MIA was 33,905, with 11,053 of them being uniformed police officers (OSCE 19 Dec. 2013). A diagram on the structure of the MIA is attached to this Response (Attachment 1).

According to the Police Law of Georgia, enacted in 2013, Section 4 entitled "Organizational Structure of the Police" states the following:

Police function within the system of the Ministry [MIA] and employ persons holding ranks determined by the legislation of Georgia, as well as other public servants ('Ministry employees').

Police agencies function within the system of the Ministry as structural sub-units, territorial bodies, the state sub-agency - Border Police of Georgia, and legal entities under public law (LEPLs) operating within the system of the Ministry.

A police officer is a public servant who serves at the Ministry, an employee of the state sub-agency -- Border police of Georgia or an employee of a legal entity under public law within the Ministry who are conferred a special rank and who have taken the oath of a police officer.

The text of the oath of police officer is approved by the Minister of Internal Affairs of Georgia ('the Minister'). (Georgia 2013)

Diagrams on the structure of the police, including the National Police Directorate, the Criminal Police Directorate, and the Regional Police Headquarters, found in Chapter 12 of the book *From Revolution to Reform: Georgia's Struggle with Democratic Institution Building and Security Sector Reform*, published in 2005, are attached to this Response.

In correspondence with the Research Directorate, a representative of the Georgian Young Lawyers' Association (GYLA), an organization that promotes public legal awareness and the establishment of the rule of law in Georgia (GYLA n.d., Sec. 2.1), stated that the State Security Service is the national body of the MIA responsible for "investigating crimes committed against territorial integrity, constitutional order, and sovereignty of Georgia" (ibid. 2 Mar. 2015). The GYLA representative indicated that the Georgian Counter-intelligence Department of the Ministry is a national body that "investigates crimes committed by the foreign forces, against [the] interest[s] of Georgia" (ibid.). The same source indicated that the national Anti-terrorism Department is responsible for combatting terrorism-related issues, and that there is also a "national agency of anti-corruption in charge of revealing the crimes of corruption" (ibid.). According to the GYLA representative, the investigation of all other crimes is "reserved for local police" (ibid.).

In a chapter on urban policing in Georgia in the book *Policing Cities: Urban Securitization and Regulation in a 21st Century World*, Matthew Light, a professor of criminology at the University of Toronto (University of Toronto n.d.), writes that "despite the centralized organizational structure of the MIA, day-to-day operational decisions have been partially devolved to the local or at least municipal command level" (Light 2013, 50). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.1 Patrol Police Department

Sources indicate that the Patrol Police Department is the structural sub-unit of the MIA that is responsible for maintaining public order, enforcing traffic regulations, protecting state borders at border checkpoints, and conducting investigations (Georgia n.d.c.; GYLA 2 Mar. 2015). In his book *War and Revolution in the Caucasus: Georgia Ablaze*, Stephen Jones, a professor of Russian studies at Mount Holyoke College in Massachusetts (Mount Holyoke n.d.), notes that after 2004, Patrol Police acquired the additional functions of neighbourhood policing, assisting citizens in case of emergency, and combating street crime (Jones 2010, 133). According to the GYLA representative, the Patrol Police

department is headed by the director, who is appointed by the minister of Internal Affairs (GYLA 2 Mar. 2015). The same source indicated that the Patrol Police have a national headquarters as well as territorial entities, which are in charge of investigating violations of traffic regulations (ibid.). In correspondence with the Research Directorate, a representative of the Patrol Police Department indicated that there are "10 regional divisions under the command of [Patrol Police] headquarters" (Georgia 12 Mar. 2015).

1.2 Criminal Police Department

According to the representative of GYLA, the criminal police department investigates "serious crimes," including drug abuse, trafficking, and illegal deprivation of liberty (GYLA 2 Mar. 2015). The same source stated that the "central criminal department is [the] national body of the police ... responsible for investigating drug abuse, trafficking, and kidnapping" (ibid.). Further and corroborating information regarding the criminal police department could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Access to Information

According to Matthew Light, the Civil Registry Agency (CRA) is responsible for keeping official record of the Georgian population's civil status and residence in the Civil Registry (Light 2013, 47). According to Light, Georgia has "combined records of civil status, identity documents, and residential registration in one new entity- the CRA, created by act of parliament in 2006 as a 'legal entity of public law'" within the Ministry of Justice (ibid.). In correspondence with the Research Directorate, Light indicated that the Civil Registry includes basic information on every Georgian citizen including their name, address, and national ID number (Light 17 Mar. 2015). The same source indicated, in his article, that police stations receive periodic updates from the CRA, "listing persons who have registered a new address in the district" (ibid. 2013, 50). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Patrol Police Department representative, in order to

fulfill [its] daily activities, MIA uses the [following] special electronic databases: [the] databases of the Ministry of Internal Affairs, the databases of the Civil Service Development Agency of the Ministry of Justice, the database of the Ministry of Foreign Affairs, [and the] databases of the Ministry of Finance. (Georgia 12 Mar. 2015)

Sources indicate that the police have access to a national computer system (HRH Tbilisi 5 Mar. 2015; Light 6 Mar. 2015). According to the GYLA representative, the police permanently retain information on a person who has committed a misdemeanour or infraction in the national computer system (GYLA 2 Mar. 2015). In correspondence with the Research Directorate, a representative of Human Rights House Tbilisi (HRH Tbilisi) [1], a union of human rights NGOs in Georgia providing legal and psychological services, advocacy work and human rights education (HRH n.d.), patrol police have access to this system in their patrol vehicles (HRH Tbilisi 5 Mar. 2015). The HRH Tbilisi representative was unable to provide information regarding the system, or how it is used (ibid. 19 Mar. 2015). Light indicated that in theory, depending on the rank of the police officer and the circumstances surrounding the officer's interest in a Georgian citizen, the officer may be able to access any Georgian citizen's information, including their address, through the Civil Registry (Light 17 Mar. 2015).

2.1 National Identification Card

Sources indicate that the CRA introduced a new biometric national identification card with corresponding personal data (Light 2013, 47; HRH Tbilisi 6 Mar. 2015), that is accessible to police electronically (ibid.). According to Light in his 2013 article, the identity card, which was being phased in, "will be encoded with bank and credit card accounts, as well as an 'electronic signature'" (Light 2013, 47). According to the representative of HRH Tbilisi, if an individual possesses the identification card, the police

are able to identify the individual's location or whereabouts, and their personal data including their personal number, date of birth, phone number, address, criminal record, and any existing fines (HRH Tbilisi 6 Mar. 2015). The same source indicated that to date, the identification card is not obligatory for all citizens, but that many citizens already possess it (ibid.).

Further and corroborating information regarding information sharing between police districts in Georgia could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Law on Surveillance

According to an article published in the CACI Analyst, a biweekly publication on current affairs published by the Central-Asia Caucasus Institute (CACI) and Silk Road Studies Program (SRSP) [2], on 30 November 2014, the parliament of Georgia adopted "the government-backed law on surveillance and eavesdropping, maintaining direct access for the MIA to telecom operators' networks" (CACI and SRSP 10 Dec. 2014). According to the same source, in the interest of avoiding "unlimited access," the Bill's sponsors recommended a "'two key-system', where one should be kept in the MIA and the other at the Personal Data Protection Inspector's Office (PDPIO)," ensuring that the MIA would be unable to begin intercepting and monitoring communications without the permission of the PDPIO (ibid.). However, the article indicates that according to opponents, "a more precise reading of the law, involving numerous technical terms about a lawful interception management system, enables the MIA to bypass PDPIO, and thus fails to provide a genuinely balanced system" (ibid.). According to an article published on 6 March 2014 by Agenda.ge, an online news agency "initialized by the Government of Georgia" (Agenda.ge n.d.), human rights groups have urged the Georgian government to create a law to limit the government's capacity to undertake illegal surveillance (ibid. 6 Mar. 2014). The same source reports that Georgia's Public Defender indicated that the Government possessed the ability to "conduct illegal surveillance on Georgian citizens," but was unable to provide information on whether the government was using it in practice (ibid.). The Agenda.ge article notes that Georgian civil society organizations "believed the present laws could not protect Georgian citizens from being illegally spied on" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to the website of Human Rights House Tbilisi, it is a collaborative project, which unites the following six Georgian human rights organizations: the Human Rights Center, Article 42 of the Constitution, Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims, Union "Sapari," the Caucasian Centre for Human Rights and Conflict Studies and Media Institute (HRH Tbilisi n.d.). These organizations share both office space and resources (ibid.). HRH Tbilisi also serves as the headquarters of the South Caucasus Network of Human Rights Defenders (ibid.).

[2] The Central Asia-Caucasus Institute and the Silk Road Studies Program constitute a joint Transatlantic Research and Policy Center that is independent and privately funded and "strives to promote study and policy-related work on the region [Central Asia and the Caucasus] through five main channels: impartial research, publications and dissemination; forums and conferences; teaching; and acting as a 'switchboard' for knowledge and information" (CACI n.d.).

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University of Toronto. N.d. "Matthew Light." [Accessed 24 Mar. 2015]

Additional Sources Consulted

Oral sources: Representatives from the following organizations were unable to provide information within the time constraints of this Response: Georgia - Embassy in Ottawa, Embassy in Mexico; a professor from the University of Toronto specializing in police reform in Georgia.

Representatives from the following organizations were unable to provide information for this Response: Open Society Foundation Georgia.

Attempts to contact representatives from the following organizations were unsuccessful within the time constraints of this Response: Article 42 of the Constitution; Carleton University's Institute for European, Russian and Eurasian Studies; Georgia - Embassy in London, UK, Embassy in Washington, DC, Ministry of Internal Affairs, Ministry of Internal Affairs Security Police Department, Patrol Police Department, Parliament of Georgia, Prosecutor's Office, Public Defender of Georgia, Tbilisi Patrol Police Main Division; Georgian Bar Association; The Human Rights Centre; INTERPOL; Liberty Institute; Tbilisi State University.

Internet sites, including: Amnesty International; Balkan Investigative Reporting Network; Council of Europe; ecoi.net; English Russia; Eurasianet.org; Factiva; Georgian Bar Association; Humanrights.ge; Human Rights Watch; International Civil Society Centre; International Crisis Group; Institute of War and Peace Reporting; Jane's Intelligence Review; Legislationonline.org; The Moscow Times; Open Society Georgia Foundation; South Caucasus Network of Human Rights Defenders; Transparency International Georgia; United Nations - Refworld; Union of Councils for Jews in the Former Soviet Union; United States - Central Intelligence Agency, USAID Georgia.

Attachments

1. Georgia. N.d.a. Ministry of Internal Affairs. "Structure of the Ministry." [Accessed 05 Mar. 2015]

2. Boda, Jozsef and Kornely Kakachia. 2005. "The National Police Directorate" and "The Organizational Structure of the Criminal Police Directorate" in "The Current Status of Police Reform in Georgia." in From Revolution to Reform: Georgia's Struggle with Democratic Institution Building and Security Sector Reform.
<<<http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?lng=en&ots627=fce62fe0-528d-4884-9cdf-283c282cf0b2&id=106057>> [Accessed 12 Mar. 2015]

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